

ADDRESSING GANGS: WHAT'S EFFECTIVE? WHAT'S NOT?

HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS SECOND SESSION

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ADDRESSING GANGS: WHAT'S EFFECTIVE? WHAT'S NOT?

TUESDAY, JUNE 10, 2008

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 1:40 p.m., in room 2237, Rayburn House Office Building, the Honorable Robert C. "Bobby" Scott (Chairman of the Subcommittee) presiding.

Present: Representatives Conyers, Scott, Nadler, Jackson Lee, Waters, Baldwin, Smith, Gohmert, Coble, Chabot, and Forbes.

Staff present: Bobby Vassar, Majority Chief Counsel; Rachel King, Majority Counsel; Mario Dispenza, Majority Fellow, ATF Detailee; Karen Wilkinson, Majority Fellow, Federal Public Defender Office Detailee; Veronica Eligan, Majority Professional Staff Member; Caroline Lynch, Minority Counsel; and Kelsey Whitlock, Minority Staff Assistant.

Mr. SCOTT. Good afternoon. Good afternoon. The Committee will now come to order.

I am pleased to welcome you today to this hearing before the Subcommittee on Crime, Terrorism, and Homeland Security to discuss what is effective in preventing gang crime and what is not.

This hearing is the latest of several Subcommittee hearings we have held to take testimony and counsel from experts in the field of justice over this session of Congress for the purpose of developing effective crime legislation.

Today, among our witnesses, we are joined by Professor Charles Ogletree, the director of the Charles Hamilton Houston Institute for Race and Justice in Harvard Law School. The institute recently completed a study and released a policy brief in March in 2008 entitled "No More Children Left Behind Bars: A Briefing on Youth Gang Violence and Juvenile Crime Prevention." The focus of today's hearing will be to discuss this study's findings which give the most up-to-date information about evidence-based foundations for sound crime policy.

Now working on crimes issues over the years, I have learned that when it comes to crime policy, you have a choice: You can reduce crime or you can play politics. The politics of crime calls for the so-called tough-on-crime approach, such as more death penalties, more life without parole, mandatory minimum sentences, treating more juveniles as adults or as gang members.

However, we can now show by research and evidence that while these approaches score well in political polls, they have little to do with preventing crime. Under the get-tough approach, no matter how tough we were last year, we have to get tougher this year. We have been getting tougher for about 25 years now, and since 1980, we have gone from about 200,000 persons incarcerated in the United States to over two million.

This incarceration binge is not free. The annual prison costs have gone from \$9 billion in 1982 to over \$65 billion a year now. Los Angeles County spends about \$2 billion a year in State, Federal, and local funding to lock people up. In several cities in my district, we spend between \$250 to \$500 per citizen. About \$750 to \$1,500 per child or, if you target for at-risk dangerous children, about \$1,500 to \$3,000 or more per child per year locking people up.

The chart on the left shows where we are in international incarceration rates. The United States now is the world's leading incarcerator by far. The incarceration rate is seven times the international average. The world average of incarceration is about 100 persons per 100,000. The average rate in the United States is over 700 per 100,000, and in some States, the rate goes over 4,000 per 100,000.

Russia is the next closest with the rate of incarceration of about 560. Every other nation is below that, such as India. In the world's largest democracy, 36 people locked up today for 100,000 population; China, the world's largest population, 118 per 100,000; the United States, over 700 and, in some areas, over 4,000.

The United States has the world's most severe punishments for crime, especially for juveniles. Of over more than 2,200 juveniles sentenced to life without parole all over the world, all but about a dozen are in the United States. Some who were given their sentence as first-time offenders under circumstances such as being a passenger in a car from which a drive-by shooting occurred. Examples like this prove that we are already tough on crime.

All States have provisions that allow, if not require, juveniles to be treated as adults for trial, sentencing, and incarceration for serious offenses. Most juveniles treated as adults are convicted actually for non-violent offenses.

And, again, we are very tough on crime, especially juvenile crime, and this chart shows it on a graph, that we are off the charts in terms of incarceration.

And yet crime persists, and it is growing, by some accounts, even as we continue to cling to our get-tough approach. Still, under some proposals before this Congress, such as those who are addressing gangs, we would further expand the get-tough approach by punishing conspiracies and attempts the same as completion of the crime. This would result in a lot more fringe involved individuals being sentenced to harsh punishments, such as life without parole.

And the impact of the focus on tough enforcement approaches falls disproportionately on minorities, particularly Black and Hispanic children. Many studies have established that when compared to similarly situated White children, minority children are treated more harshly at every stage of the juvenile and criminal justice system.

I am concerned that policies, such as expanding the definition of “gang” and expanding big gang databases, would only exacerbate this problem, with no impact on reducing crime. Without appropriate intervention, these children will be on what the Children’s Defense Funds has described as a cradle-to-prison pipeline where many minority children are born on a trajectory to prison. When we realize that it is possible to get them on a cradle-to-college pipeline, it is tragic and much more costly to society in the long run, if we do not do so.

Research and analysis as well as common sense tell us that no matter how tough the law on the people you prosecute today, unless you are addressing the underlying reasons for crime, nothing will change. The next crime wave will simply replace the ones you have taken out, and the crime continues. So the get-tough approach has little impact on crime.

Further, all credible research and evidence shows that a continuum of services for youth identified as being at risk of involvement in delinquent behavior and those already involved will save much more money than they cost compared to the aborted law enforcement and other expenditures, and these programs are most effective when they are provided in the context of a coordinated, collaborative strategy involving law enforcement, educational, social service, mental health, non-profit, faith-based, and business sectors working with identified children at risk of involvement in the criminal justice system.

In the face of all of this evidence, it is curious that we have continued to rely on the so-called get-tough approach. It is my fervent hope that with the testimony and evidence that the Subcommittee will hear today that we will change this focus of crime legislation from sound bite policies to effective legislation. I look forward to working with my colleagues as we adopt these proven concepts.

It is now my pleasure to recognize the esteemed Ranking Member of the Subcommittee, the gentleman from Texas, Judge Gohmert.

Mr. GOHMERT. Thank you, Chairman Scott.

And thank you for holding this important hearing today on strategies for combating gang violence.

My colleague from Virginia and I share deep concern for the impact of violent gangs on our communities and our youth. Although we may have different approaches for addressing this issue, our goal is the same.

Today, there are nearly one million gang members in America—one million. It may be hard for some to appreciate the magnitude of this, but when you consider that the total number of Navy and Army active duty personnel is 856,000, then it becomes a startling figure.

Sadly, the problem of gang violence in America is not a new one. For decades, gangs of all shapes and sizes have exacted control of our neighborhoods, brought narcotics and guns to our street corners, and instilled fear in our families.

Street gangs, prison gangs, biker gangs, even border gangs, each with different styles and organizations, present a daunting challenge for law enforcement. Once thought to be only a problem in our Nation’s largest cities, gangs have now invaded smaller cities

and suburban areas, cities like Richmond, Orlando, Tulsa, and even my home in Tyler, Texas, where nearly 20 years ago a gang task force was implemented with sophisticated anti-gang initiatives that had been traditionally utilized in Los Angeles, New York or Chicago.

Equally troubling is that today's gang members are younger and younger. Youth gang members commit a high percentage of gang murders, robberies, and assaults. According to statistics, nearly one in five gang murders are committed by offenders under the age of 18. Preventing America's children from joining a gang is perhaps the greatest hurdle to stopping the growth of gangs.

In my home state of Texas, rival Mexican drug gangs are at war with each other across the U.S.-Mexico border. The Gulf cartel and the Sinaloa cartel have turned Laredo, TX, and Mexico's neighboring city, Nuevo Laredo, into the most significant launching point for illegal drugs entering the United States. It has become basically a war zone.

To protect and expand their criminal operations, these cartels maintain highly developed intelligence networks on both sides of the border and employ private armies to carry out enforcement measures. The Gulf cartel employs a group of former elite military soldiers known as Los Zetas. Los Zetas have been instrumental in the Gulf cartel's domination of the drug trade in Nuevo Laredo. In addition to defending the Gulf cartel's terrain in northern Mexico, the Zetas are also believed to control trafficking routes along the eastern half of the U.S.-Mexico border.

In cities across the country, prevention, education, and rehabilitation efforts are being combined with law enforcement strategies to provide a comprehensive approach to dismantling gangs, prosecuting gang violence, and deterring gang affiliation, particularly among young people, but violent international gangs, such as MS-13, or border gangs, such as Los Zetas, pose a dangerous threat that requires a sophisticated coordinated law enforcement response.

But one tactic must be mandatory, and that is for greater border security at a time when the estimates we have heard indicate that there may be 70 to 75 percent of gang members illegally here in this country, and the estimate we have seen and in testimony today, I think, has illustrated that probably 90 percent of the MS-13ers are illegally here.

Gangs have evolved from what they were just a few decades ago. The answer to the question, "What is effective to combat gangs?" must evolve as well. One size no longer fits all.

I welcome our witnesses. Thank you for joining us today.

And I yield back.

Mr. SCOTT. Thank you.

And we are pleased to be joined by the Chairman of the full Committee, the gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. Thank you, Mr. Chairman.

This is important because we have been dealing with gangs for decades, if not generations, and there have been unusual attempts at it. I am glad there is one of our witnesses with a sociological and hopefully a psychological approach that I will be very interested in. And, of course, we have our dear friend from Harvard Law School,

Charles Ogletree, who has joined us on many occasions in the Judiciary Committee.

But I was struck by your observation that unless you deal with the underlying causes of crime, we are not going to get very far down the line, and, of course, it requires what is necessary in all Federal legislative undertakings. You have to depoliticize the subject matter. You try to deal with health care, and if you do not depoliticize it, you just get different groups with their own points of self-interest arguing or sharing views with one another, and we will not get anywhere.

Gangs, of course, frequently have a racial connotation, and that is due to, in my view, the fact that it is much easier for young people of color to get into an unhealthy relationship with law enforcement than anybody else, namely because we are still clearing the race situation out of law enforcement and out of criminal justice and out of the courts and out of the prisons.

So it does not take a lot of research to realize that with some of these notions of how to deal with gangs some wanted increased prosecution. We have some bills, I think, still laying around. Fortunately, they are in your Committee, so we sleep pretty comfortably at night.

But these bills say, "Let's crack down on crime." Everybody says, "Right on. Well, let's get the gangs first." And then you get a few young men of color on the corner, and they say, "Well, any association like that, that constitutes a gang, and let's break them up right away."

And so this kind of simplistic implication of lack of education, living in a poor economic community, and then having a broken-down education system on top of all of that, and then throw in the vast unemployment characteristic—and I used to laugh about the unemployment statistics. When they are telling you about 6 percent and 7 percent—oh, and in some places, it is up to 10—look, there are places inside the inner cities of America where there is 50 percent unemployment, 60 percent unemployment. There are more people out of work than are working.

And then if you were too academic about this, Chairman Scott, you would start saying, "Well, let's look at the technical reasons." Look, if you do not have a job, you come from a broken family, the education system is not working, the police have frequently associated more as your enemy than as your friend, and then you say, "Well, I wonder why they joined a gang"—and so we are here to begin the exploration, the continued examination, of a very important subject.

And what this Committee has done—I can say as the longest-serving Member on it—in the 110th Congress breaks new ground, and so we continue this exploration of how we get to the truth in this matter, and that is why I am proud to be with the Committee today.

Mr. SCOTT. Well, thank you very much, Mr. Chairman.

The Ranking Member is with us today, the gentleman from Texas, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

As our children begin their summer vacations, their safety is now more than ever on the minds of parents across the country, and

these concerns are no longer reserved for families in large cities. With the spread of violent crime to traditionally suburban areas and smaller cities, parents in all parts of the United States fear violence in their neighborhoods.

Gangs are responsible for a large number of violent crimes committed each year, including homicides. Experts estimate that there are more than one million gang members nationwide. In San Antonio, Texas, my home town, there are over 4,500 gang members, and those are only the ones who have been identified and documented by local law enforcement officials.

As part of our efforts to prevent violent crime and curb the expansion of gangs in our communities, we need to address the flow of illegal immigration. That is because some of the most dangerous gangs in America today are comprised primarily of illegal immigrants.

For example, MS-13 is one of the largest and most violent gangs in the country, active in at least 38 States and boasting approximately 30,000 to 50,000 members worldwide. According to the Center for Immigration Studies, 90 percent of MS-13 members in the U.S. are illegal immigrants. In California, 80 percent of the gang's members are illegal immigrants from Mexico and Central America. In Los Angeles, 95 percent of all outstanding warrants for homicides are for illegal immigrants.

Last week, U.S. Marshals arrested three men in the May 31 death of Omar Florencio-Vazquez of Manassas, VA. One of the three members apprehended, Sebastian Cortez Hernandez, had been deported in 2003 after being arrested on gang charges.

It is clear that many gangs in the United States are heavily dependent on the recruitment of illegal immigrants. The only way to put gangs out of business is to secure our borders and to facilitate deportations. Such approaches may not solve all of our gang problems, but they will go a long way toward solving many of them.

We must also look to strengthen our own laws against gang members and to beef up sentences both to deter and to incapacitate gang members. There is also a special Federal role in promoting cooperation and coordination among various jurisdictions, especially through task forces and targeted grants, because many gangs do not respect communities' borders.

Mr. Chairman, I thank you for holding this hearing.

And I want to thank the witnesses for their expert testimony coming up shortly.

Now I yield back.

Mr. SCOTT. Thank you. Thank you.

We have a distinguished panel of witnesses with us today to discuss these important issues.

Our first witness will be Professor Charles Ogletree, the Harvard Law School professor of law, founder and executive director of the Charles Hamilton Houston Institute for Race and Justice. He is a prominent legal theorist who has made an international reputation by taking a hard look at complex issues of law and working to secure rights guaranteed by the Constitution for everyone equally under the law. He has a bachelor's degree and master's degree in political science from Stanford and a J.D. from Harvard Law School.

Dr. Frank Straub is a commissioner for public safety for the City of White Plains, New York. He has over 24 years of experience in law enforcement at the Federal, State, and local levels. He is nationally recognized as an innovator, having introduced COMSTAT, a concept to improve performance and implement innovative community policing strategies. He holds a bachelor's degree in psychology, a master's degree in forensics psychology, and a Ph.D. in criminal justice.

Our next witness is Major John Buckovich of Richmond, Virginia, Police Department, who brings a wealth of diverse investigative, tactical, and organizational experience. He has received several medals of honor during his service, including the Medal of Valor, the Police Medal, the SWAT Medal, the Meritorious Police Duty Award, the Unit Citation, and the Excellent Police Duty Award. He has a bachelor's degree in applied science from the University of Richmond and is a graduate of the FBI Academy.

The next witness will be Ely Flores, a former gang member who has become a talented organizer, facilitator, and public speaker. He has worked with many community-based organizations in the Los Angeles area, working on community organizing, social awareness workshops, facilitation workshops, asset-based community development, adulthood, leadership development, and California legal education. He is working on two educational pursuits at this time. He is working on an associate's degree in liberal arts from Trade-Technical College in Los Angeles and is working toward certification in youth development training by YouthBuild USA.

Our next witness will be Kevin J. O'Connor, associate attorney general of the United States. He has a wealth of legal experience, including partnership with the law firm of Day, Berry & Howard, and served as corporate counsel for the town of West Hartford, Connecticut, and as a staff attorney for the United States Exchange Commission. He has a bachelor's degree from the University of Notre Dame and a J.D. from the University of Connecticut School of Law.

And our final witness will be Dr. Robert Macy, director of community services for the trauma center in Boston, Massachusetts. He has 20 years of experience doing clinical interventions and academic research in the field of behavioral health crisis intervention and traumatic incidents management, which he has presented at numerous regional, national, and international conferences. He has a bachelor's degree from Lewis & Clark College, a master's degree in psychology from Lesley University, and an advanced graduate degree in cognitive neuroscience from Harvard, and a Ph.D. in clinical psychology again from Harvard.

Each of our witnesses' written testimony will be made part of the record in its entirety, and I would ask the witnesses to summarize your testimony in 5 minutes or less. To help you stay within that time, there is a timing device at the table which will start with green, go to yellow when you have about a minute left, and finally red when your 5 minutes are up.

And we begin with Professor Ogletree.

TESTIMONY OF CHARLES OGLETREE, JR., PROFESSOR AND DIRECTOR OF THE CHARLES HAMILTON HOUSTON INSTITUTE FOR RACE AND JUSTICE, CAMBRIDGE, MA

Mr. OGLETREE. Thank you, Congressman Bobby Scott. I am very pleased to be here to testify today.

This is the first time I have been as far away from the clock in testifying, and so I cannot see how much time I have left, but I am sure you will remind me.

I am very happy to be here today, and I wanted to have not only my testimony submitted to the record, but also a report that we did call "No More Children Left Behind Bars: A Briefing on Youth Gang Violence and Juvenile Crime Prevention" that we prepared this past March, having had the chance to examine several bills that were both in the Senate and the House.

My colleagues, Dr. Susan Eaton, David Harris, and Johanna Wald—

Mr. SCOTT. Without objection, the report will be made part of the record.

[The information referred to follows:]



No More Children Left Behind Bars
A Briefing on Youth Gang Violence and Juvenile Crime Prevention

The Charles Hamilton Houston Institute for Race and Justice
Harvard Law School

March 6, 2008

From California, to Alaska, to Maryland, to Kansas and North Carolina, newspaper headlines trumpet a “gang crisis.” Across the nation, residents of our most distressed, long-neglected communities express sadness and dismay over the violent crime that destroys too many young, promising lives and forces people to live in fear. In many high-poverty neighborhoods, makeshift memorials to young murder victims are an all-too-ordinary part of the urban backdrop.

This brief from The Charles Hamilton Houston Institute for Race and Justice¹ considers the question of how to respond most effectively to gang-related youth crime and delinquency. We weigh the most robust research and knowledge about gang activity and about various approaches employed in specific legislation currently being considered in the US Congress.² We hope this document informs debate, discourse and policy making on these crucial matters, not merely this year but as our nation continues to grapple with these complicated issues in the years to come.

Despite drops in violent crime and in gang activity, gangs remain a serious problem in many communities, especially in cities that lack sufficient educational and economic opportunities.³ We begin with the long-standing recognition that gang activity is a force in its own right and also a symptom of larger, entrenched social ills and conditions that have been decades in the making.

The men and women who work with gang-involved young people on the ground know better than anyone that the challenges associated with curbing the problem and stopping violence are enormous. However, there is plenty of good news, too. The research on youth violence, child development and education now provides more than enough evidence that well-tested education- and community-based “prevention” strategies can work to stem youth crime and redirect children and teens away from gang involvement and on to paths of productive membership and participation in society. Undoubtedly, actual violence requires effective enforcement. But, as a nation we have spent far more resources arresting and prosecuting young people who aren’t violent than we have trying to eliminate the actual causes of gang involvement and youth crime.

For decades, though, we have moved away from prevention as elected officials have chosen crackdowns and “get tough” policies that translate into expanded police and prosecutorial power. This often results in more arrests, more trials and more incarceration. “Getting tough” may have seemed logical or at least politically expedient at the time, but research demonstrates that choosing enforcement over prevention produces flawed, costly policies that often inflict incalculable harm to the very communities elected leaders are trying to protect. Today in the United States, too many of our poorer, urban communities produce staggeringly low high school graduation rates, especially for male students of color. At the same time, our nation records the highest incarceration rates in the world.⁴

This brief is particularly timely as the United States Congress this term considers three pieces of legislation related to youth “gangs” and juvenile crime. Two seek to expand prosecution powers and would add more than one billion new dollars for enforcement. A third would bring together members in local communities to focus upon prevention.

As research suggests, federal dollars would most judiciously be spent on preventive measures shown to lead vulnerable children away from gang activity and into constructive activity. Currently, two bills before Congress would tie support for education-based prevention, which works, to arresting more youth and incarcerating them for longer periods, which research does not support. Such linked measures are often described as “balanced” approaches to gang violence. But devoting more than a billion new dollars to further ramp up arrests and lengthen sentences will only exacerbate a current imbalance. This is true even if some money for prevention is included in the legislative package. Further, more arrests and more incarceration will likely undermine education-based prevention programs by reinforcing youths’ identification with gangs and removing from the community non-violent children and teens who would benefit from support and help.

In sum, a reading of the highest-quality scholarly research, a careful examination of trend data, cost-benefit studies and a common-sense understanding of the American experience with youth and crime policy lead us to the following conclusions. Each conclusion is discussed in detail later in this brief.

A) Many education-related and community based youth programs demonstrate effectiveness and promise in redirecting young people away from gangs, by preventing gang affiliation in the first place, and by assisting teens in completing high school, which translates into reduced crime and healthier communities.

B) In the short- and long-term economic analyses demonstrate that well-tested prevention programs are likely to be more cost effective than “suppression” policies that lead to more prosecution and incarceration.

C) Public opinion data strongly suggests that people who live in the United States are far more likely to support education and prevention strategies for youth rather than more prosecutions and jail time.

D) “Suppression” policies and expansion of law enforcement power have not proven effective in stemming youth crime associated with gangs and research suggests that such tactics may even strengthen gang affiliations.

E) “Suppression” and expanded law enforcement power will likely target children and teens of color, disproportionate shares of whom are economically disadvantaged and live in distressed communities that lack sufficient educational, recreational, and economic opportunities.

F) Data suggest that the number of communities with active youth gangs increased in the last three decades, peaked in the early 1990s and has recently declined. Youth gang prevalence declined in non-urban areas but gang violence remains a serious problem in some urban communities. This suggests that gang involvement is related to a lack of opportunity in certain communities and calls into question the need for expanded law enforcement power and the appropriation of even more federal dollars to jails and prisons for children and teens.

A) Many education-related and community-based youth programs demonstrate effectiveness and promise in redirecting young people away from gangs, by preventing gang affiliation in the first place, and by assisting teens in completing high school, which translates into reduced crime and healthier communities.

It is long past time to take serious account of the growing body of strong evidence demonstrating the effectiveness of school and community based programs and practices that decrease the likelihood of gang affiliation and increase the likelihood of high school graduation, which is linked to decreased crime.

The strongest research emerges from top scholars in a variety of fields including economics, educational psychology and public health. In recent years, a wide range of reputable organizations have commissioned or conducted related research and reached similar conclusions. These include the American Psychological Association, the Washington State Institute for Public Policy, the Social Development Research Group of Seattle, Washington, and the U.S. Government's own Office of Juvenile Justice and Delinquency Prevention.

An exhaustive review of such programs is far beyond the scope of this brief. However, experts identify common characteristics of particularly promising programs and practices. These include:

- Programs that are successful in reducing criminal involvement among low-income boys in particular begin in pre-school and are sustained over time, through middle and high school.⁵
- Successful programs include families, schools and communities, thereby providing a “web” of support and protection around children.⁶
- Successful programs focus both on individual development and on teaching children the social and cultural skills they need to successfully navigate within their schools and communities.⁷

Similarly, for more than 25 years, researchers from the Social Development Research Group of Seattle (SDRG) have been actively studying programs and strategies to prevent adolescents from developing behavior problems that often lead to delinquency, crime and gang involvement. SDRG stresses three vital components for preventive strategies.⁸ These include:

- Young people must have clear and consistent opportunities for active participation in their families, schools and communities.
- Young people must have the opportunity to develop the skills necessary to succeed when provided these opportunities.

- Young people need consistent outside, positive recognition and reinforcement for their efforts and accomplishments. .

Prevention strategies require significant investments. Rigorous cost-analyses, however, clearly show that these strategies are more cost-effective in the long run than incarceration and continued detention. As noted economist James Heckman writes: “Private gains are a substantial benefit of such programs....However, it is the large social benefits for the general public—stemming from savings to taxpayers, victims of crime, and employers—that make the firmest case for these programs.”⁹

Experts tend to agree that high-quality effective programs will provide clear, alternative, positive, “pro-social” constructive opportunities that lend emotional and practical support, give young people life skills and ultimately pave paths toward success for disadvantaged children and teens most vulnerable to the lure of gang involvement.¹⁰ In the best cases, the “protective” programming and support begin in pre-school, continue through childhood and into adolescence and last at least until a young person earns a high school diploma.

Some particularly noteworthy examples of independently evaluated, effective programs are offered below:

Child-Parent Centers was founded in 1967 by Chicago educators to serve families in high-poverty neighborhoods not reached by other pre-school programs or Head Start. Sites near public elementary schools provide comprehensive education, health, and family-support services to children ages 3-9 living in disadvantaged communities. A 15-year longitudinal evaluation of these programs that followed 1,539 low-income African American and Latino children until they reached age 24 found, among other benefits, that participants were less likely to have been arrested (16.9 percent vs. 25.1 percent) and more likely to have completed high school (50 percent vs. 38.5 percent) than otherwise similar peers who had not participated in this program.¹¹ A related, 19-year follow up found strong associations between earlier participation in CPC and higher rates of school completion, attendance in 4-year colleges, and full time work, as well as lower rates of felony arrests and incarceration and lower rates of depressive symptoms.¹²

Family Integrated Transitions (FIT) was created at the direction of the Washington State Legislature in 2000 to provide evidence-based treatment to juvenile offenders. The program is an intensive intervention that engages the family, and promotes change in the home environment, while also emphasizing the benefits and positive qualities young people can derive from their families, friends, schools and communities. The program relies upon teams of mental health and substance abuse specialists to work with families and teens. The evaluation found that the program resulted in reduced recidivism for participants, and achieved \$3.15 in added benefits from reduced criminal-related costs to every dollar spent.¹³

The School Transitional Environmental Program (STEP) is designed for children in large urban schools who are having difficulty making the transition from middle to high school. It redefines the role of homeroom teachers, having them serve as counselors and administrators, and connecting them more closely to the student's family. The program also helps students develop more stable peer relationships. Evaluations show that students

participating in STEP are less likely to be truant, have higher grade point averages, and have more positive feelings about school than their counterparts who did not participate in the program. In the long term, students report lower dropout rates (21 percent of STEP participants vs. 43 percent of a control group), higher grades, and fewer incidences of substance abuse, delinquency and depression, as compared with a control group.¹⁴

Multisystemic Therapy (MST) is a long-standing, thoroughly evaluated intensive family-based treatment that has demonstrated success even for the more serious juvenile offenders. Therapists design each MST treatment plan in collaboration with a young person's family, with the goal being to give family members and/or guardians the tools they need to effectively deal with the children and teens under their care. The therapy sessions are held in a child's home or school or in a comfortable community setting, in order to reinforce the need for the young person to learn how to cope and function in these environments. MST therapists provide counseling, training and therapy and continue to monitor families. The therapists require certain behaviors and accomplishments of the children and their families to encourage responsibility and reinforce constructive behavior. In rigorous evaluations, researchers found that after only 13 weeks of treatment, MST youth reported significantly less "peer aggression," lower alcohol use and more "cohesion" within their families than a control group. After little more than a year of MST treatment, "significantly" fewer MST participants had been arrested, compared to a control group (42 vs. 62 percent) and MST participants were less likely to be incarcerated than a control group (20 vs. 68 percent). A longer term study that examined youths four years after MST treatment found that "significantly" fewer MST youth had been arrested compared with a control group (26 vs. 71 percent)¹⁵

Gang Resistance Education and Training was founded by Phoenix-area police officers in 1991 and is now operating in early every state. The four components of the school-based G.R.E.A.T. program include an elementary school curriculum, a middle school curriculum, and a summertime program. Program founders consider the middle school curriculum the program's core component in reaching the overall aim of preventing gang affiliation by teaching students specific leadership skills and problem-solving techniques and helping younger children understand the consequences of gang involvement. Police officers teach the program in a school setting. The program is not as thoroughly evaluated as others previously mentioned. However, one rigorous evaluation demonstrates an association between reduced delinquency and program participation.¹⁶

A recent study by University of Chicago economist James J. Heckman underscores the importance of sustaining investments in such strategies through a student's teenage years.¹⁷ He found that, with additional "skill-building" investments, such as mentoring, adolescent literacy, and meaningful participation in community service, boys from high-risk families were considerably less likely to commit crimes than boys who did not receive such treatments.

When the investments "were sustained into the teenage years," 90 percent of the boys in the study finished high school and 40 percent attended college, Heckman reported.¹⁸ In a later article he concluded that "to put these numbers in perspective, sustained skill-building investments would go a long way toward shrinking, and in some cases eliminating, the

nation's worrisome racial disparities in academic achievement, drug use and college attendance."¹⁹

The U.S. Department of Justice notes research concluding that "delinquency generally precedes gang membership."²⁰ This leads the DOJ to recommend three tiers of intervention.

- "Primary prevention focuses on the entire population at risk and the identification of those conditions ... that promote criminal behavior;
- Secondary prevention targets those individuals who have been identified as being at greater risk of becoming delinquent;
- Tertiary prevention targets those individuals who are already involved in criminal activity or who are gang members."²¹

In other words, the DOJ recommends focusing prevention efforts on children well before they become criminally involved.²² Similarly, multi-state evaluations of school-based prevention show statistically significant relationships between school-based prevention programs, decreased likelihood of gang affiliation, increased levels of school commitment, and association to "pro-social," as opposed to "anti-social" peers.²³

B) In the short- and long-term, economic analyses demonstrate that well-tested, education-related prevention programs are likely to be more cost effective than "suppression" policies that lead to more prosecution and incarceration.

Researchers point to a disturbing paradox: "the number of youths incarcerated and the attendant costs of this incarceration have increased at the same time that the National Research Council, the Institute of Medicine and the U.S. Surgeon General all publicly identified risks associated with punitive interventions and the promise of preventive ones."²⁴

For example, one current proposal before Congress would spend more than \$1 billion to arrest and incarcerate more young people, at the same time the federal government is dramatically reducing spending on dropout prevention programs. Those dropout prevention programs had been slated to receive \$125 million annually, but were appropriated only \$4.9 million in 2006 and nothing in 2007, or 2008.²⁵

The suppression-type bills currently before Congress do anticipate growth in court costs mostly by accounting for new prosecutors and defenders. (Notably, one bill calls for 94 prosecutors but only 71 defense attorneys).²⁶ But "crackdown" bills such as these, which in these particular cases expand categories of gang-crimes and concomitant new and longer penalties, incur other costs not factored into the analysis.

To see the hidden costs of such approaches, we can compare the cost of increased prison sentences with savings derived from decreased incarceration rates that would plausibly result from improved graduation rates. Dollar for dollar, education-based

interventions are less expensive than law-enforcement tactics that would increase incarceration.

Nationally, only about 50 percent of Black, Latino and Native American students graduate from high school on-time with their peers.²⁷ In many of the nation's large urban districts, average rates drop into the 30 to 40 percent range.²⁸ Research demonstrates that increasing graduation rates would greatly reduce delinquency and cut crime costs over the long term. For example, a team of leading economists from Columbia, Princeton and Queens College predicts that increasing high school graduation rates would decrease violent crime by 20 percent and drug and property crimes by more than 10 percent.²⁹ The economists calculated that each additional high school graduate yielded an average of \$26,500 in lifetime cost savings to the public. (This estimate accounts for the expense of trials, sentencing and incarceration.) These economists estimate that each Black male who graduates is associated with a savings of more than \$55,000. By the same accounting, each Latino male graduate saves \$38,500. The chart below details the findings.

LIFETIME COST-SAVINGS FROM REDUCED CRIMINAL ACTIVITY

Criminal justice system expenditures expressed as extra lifetime savings per expected high school graduate.

	MALE		FEMALE
White	\$30,200		\$8,300
Black	\$55,500		\$8,600
Hispanic	\$38,300		\$8,300
Other	\$30,200		\$8,300
Average		\$26,500	

Source: Levin et al., *The Costs and Benefits of an Excellent Education for All of America's Children*, at 14, Table 9, Columbia Teachers College, January 2007.

The following two tables use the estimates above to calculate the savings of a 10 percentage point improvement in graduation rates. The first table shows savings accrued by improving male graduation rates in some of the nation's largest urban districts. The second table looks at statewide cost savings accrued by 10 percentage point graduation improvements in the 10 states with the largest enrollments in grade 9, without regard to race or gender.

**PROJECTED CRIME COST SAVINGS FROM A 10 PERCENTAGE POINT
INCREASE IN MALE GRADUATION RATES, CLASS OF 2009 IN SIX CITIES**

6 Cities with large Grade 9 enrollments	# Grade 9 enrolled, 2005- 2006	10% of grade 9	Lifetime Cost savings per male graduate	Total lifetime crime cost savings for improvement of 10 percentage points in the graduation rate for class of 2009	Projected savings by city of total of total male subgroups selected groups for the graduating class of 2009
Chicago					\$85,756,300
Black	9,994	999	\$55,500	\$55,444,500	
Hispanic	6,697	670	\$38,300	\$25,661,000	
White	1,536	154	\$30,200	\$4,650,800	
Detroit					\$43,859,200
Black	7,675	768	\$55,500	\$42,624,000	
Hispanic	218	22	\$38,300	\$842,600	
White	130	13	\$30,200	\$392,600	
Houston					\$37,399,400
Black	2,806	281	\$55,500	\$15,595,500	
Hispanic	5,073	507	\$38,300	\$19,418,100	
White	792	79	\$30,200	\$2,385,800	
Los Angeles					\$133,890,800
Black	4,235	424	\$55,500	\$23,532,000	
Hispanic	27,599	2,760	\$38,300	\$105,708,000	
White	1,536	154	\$30,200	\$4,650,800	
New York					\$200,973,000
Black	18,238	1,824	\$55,500	\$101,232,000	
Hispanic	21,242	2,124	\$38,300	\$81,349,200	
White	6,086	609	\$30,200	\$18,391,800	
Philadelphia					\$45,300,900
Black	6,522	652	\$55,500	\$36,186,000	
Hispanic	1,405	141	\$38,300	\$5,400,300	
White	1,231	123	\$30,200	\$3,714,600	

Sources: Common Core of Data, NCES and Levin et al., study cited above.

Since most teens arrested for gang crimes are male, the gender breakdown here provides a clear sense of the savings cities could expect if more dollars were directed to effective dropout prevention programs and programs associated with improving engagement with school. If savings from improved female graduation rates were added to the calculations, the savings, of course, would be even greater. The following state level table includes all students.

**ESTIMATED STATE LEVEL SAVINGS FROM AVERTED CRIME COSTS
RESULTING FROM 10 PERCENTAGE POINT INCREASE IN GRADUATION
RATES FOR ALL STUDENTS**

10 States with largest grade 9 enrollment	# Grade 9 enrolled in 2000-01	10% of grade 9	Lifetime Cost savings per graduate	Total lifetime crime cost savings for 10% grad rate improvement in one cohort	Estimated Graduation rate for Class of 2004	Goal that would produce savings
California	476,142	47,614	\$26,500	\$1,261,771,000	68.9	78.9
Florida	238,161	23,816		\$631,124,000	53	63
Georgia	126,793	12,679		\$335,993,500	55.5	65.5
Illinois	163,806	16,381		\$434,096,500	75	85
Michigan	142,663	14,266		\$378,049,000	74	84
New York	245,311	24,531		\$650,071,500	61.4	71.4
North Carolina	111,745	11,175		\$296,137,500	63.5	73.5
Ohio	159,724	15,972		\$423,258,000	70.7	80.7
Pennsylvania	153,523	15,352		\$406,828,000	75.5	85.5
Texas	355,019	35,502		\$940,803,000	65	75

Graduation rate estimates from Christopher Swanson, "Projections of 2003-2004 High School Graduates, Source: Common Core of Data Local Educational Agency and School Surveys, National Center for Education Statistics.

The savings outlined in the previous tables lies in stark contrast to the steep costs of increased incarceration. Indeed, according to a 2003 report by the National Center on Education, Disability and Juvenile Justice, the costs associated with incarcerating juveniles range from \$35,000 to \$70,000 per bed per year in juvenile facilities.³⁰

Under punitive measures that expand law enforcement power and increase incarceration, Black and Latino male youths are the most likely recipients of longer prison sentences. Given the link between dropping out of school, the federal government's failure to provide funding for dropout prevention programs in 2007 could increase the likelihood that more children and teens of color will end up behind bars.

We can only estimate the costs incurred if legislation that expands the scope of gang crimes and increases prosecution dollars succeeds. The following table displays a range of potential annual costs not covered by federal funds or by proposed legislation, but that municipalities would have to pay in order to put young people behind bars for another year. (The cost of incarcerating a juvenile varies depending upon the state or municipality. Thus, we provide three estimates for incarcerating one juvenile for a year.)

**POTENTIAL COSTS TO STATES AND LOCALITIES OF LONGER
JUVENILE SENTENCES**

Various Costs of One Year of Incarceration	\$35,000	\$52,500	\$70,000
Additional Juveniles Behind Bars			
1,000	35 Million	53 Million	70 Million
5,000	175 Million	263 Million	350 Million
10,000	350 Million	525 Million	700 Million
20,000	700 Million	1.05 Billion	1.4 Billion
40,000	1.4 Billion	2.1 Billion	2.8 Billion

For example, imagine just one extra year of incarceration for the some 96,000 young people currently in the juvenile justice system.³¹ The math is straightforward. If we multiply the 96,000 by \$35,000 (the lowest estimate of annual per bed per prisoner cost) an extra year would require states to spend an additional 3.36 *billion* dollars of state and local money that year. In one recent study, gang members accounted for slightly more than 50 percent of all arrests.³² Using that framework, states would incur more than \$1.5 billion in increased costs of incarceration if each arrested gang member received an additional year behind bars. However, we can make only rough estimates of the additional costs of expanded gang definitions, enforcement and sentencing put forth in the most recent proposals before Congress. The chart above demonstrates that even using the most conservative estimate of \$35,000 per prison bed, for every 10,000 young people serving a year in jail, states would need to spend at least \$350 million of their own (non-federal) dollars.

In comparison, if the hundreds of millions in enforcement costs were used for school-based interventions that have shown promise in improving graduation rates, research suggests that the investment would pay for itself. Meanwhile, several well-designed studies demonstrate that replicable school-based programmatic interventions, including high quality pre-school for disadvantaged youth, are more cost effective than punitive approaches. Over the long-term, monetary benefits of effective prevention programs likely far exceed their costs.³³

For example, a longitudinal evaluation of the Chicago-based Child-Parent Centers, a program described in a previous section of this brief, estimated (in 2002 dollars) the savings to U.S. taxpayers that would result from the program. Researchers calculated that each year of the intensive CPC program cost about \$4989 per child. Extending the program into the grade schools, researchers estimated, would cost \$1,574 per child. Researchers then calculated savings associated with reductions in remedial services, fewer arrests and the increase in taxes on income of high school graduates. Overall, the U.S. government would save \$22,897 per child. Comparably, the study shows that even if we were to provide the program to a child for six years, it would cost only \$11,387, still resulting in an overall savings.³⁴

Another study conducted by some of the nation's leading economists considers the effectiveness of youth-oriented interventions. The study highlights the significant cost savings for non-punitive programmatic interventions at different levels including: early interventions such as "Perry Preschool;" the "Seattle Social Development Project;"³⁵ and a host of therapeutic direct interventions for youth with high risk factors for delinquency, such as "Aggression Replacement Therapy," "Multi-systemic Therapy" and "Functional Family Therapy."³⁶

C) Public opinion data strongly suggest that people who live in the United States are far more likely to support education and prevention strategies for youth rather than more prosecutions and jail time.

The Oakland-based National Council on Crime and Delinquency (NCCD) recently commissioned a national poll of likely voters.³⁷ It found that 9 out of 10 people surveyed agreed crime was a major problem in their communities. However, respondents rejected policies that would sentence more youth to adult courts and prisons. Nearly 91 percent of those polled favored strengthening rehabilitation programs within the juvenile justice system. More than two-thirds did not believe that harsher penalties for youth were effective deterrents against crime. The public endorsed increased job training and education and expanded substance abuse treatment as the most effective strategies to combat serious youth crime. By a two-to-one margin, those polled rated prevention services as more effective in reducing crime than harsher penalties or putting more youth in the adult penal system.

In a 2006 study, researchers from the University of Virginia Law School surveyed a sample of adults about their attitudes toward the rehabilitation and incarceration of juvenile offenders.³⁸ They found that "at a minimum...lawmakers who are concerned about public opinion should consider policies grounded in rehabilitation."³⁹ (Also, they caution that the political risk in resisting calls for tougher sentences is not as great as many political leaders might think.) The authors found that not only is the public willing to pay for measures to reduce juvenile crime, but they prefer to pay for rehabilitation and prevention over harsher, more punitive measures. The authors conclude: "The evidence that the public values rehabilitation more than increased incarceration should be important information to cost-conscious legislators considering how to allocate public funds."⁴⁰

D) "Suppression" policies and expansion of law enforcement power has not proven effective in stemming youth crime associated with gangs and research suggests that such tactics may even strengthen gang affiliations.

For children and teens, gang affiliation is often transient and marginal, meaning that many children come into a gang for a short period and then leave, never really committing to the gang or committing serious crimes. This demonstrates the risk of non-violent, non-dangerous young people getting swept up in a criminal justice system when they might have easily been redirected to more constructive and less expensive alternatives.⁴¹

Research on gang formation and affiliation strongly suggests that expanded law enforcement, expanded prosecutorial power and longer sentences could produce the opposite of their intended effects. Specifically, a 2007 report from the Justice Policy Institute

details the way in which increased arrests and longer sentences actually create more cohesive and stronger gang identification.⁴²

Research demonstrates that half to two-thirds of gang members are affiliated for one year or less and are not members “for life.”⁴³ The weight of the research on gang formation suggests that policies that more strongly identify youth as “gang” members could backfire because the increase in arrests and longer sentences actually create more cohesive and stronger identification with gangs.⁴⁴ Research finds that the strongest predictors of sustained gang affiliation are a high level of interaction with antisocial peers and a low level of interaction with pro-social peers.⁴⁵

Thus, for peripheral gang members who would otherwise be inclined to leave a gang after a short period, being publicly labeled as a “gang” member and spending time detained with more entrenched gang members would only solidify gang membership. This conclusion is echoed by Malcolm Klein, noted gang researcher and Professor Emeritus at the University of Southern California. Klein’s research suggests that gang crackdowns actually make gang-related violence worse by strengthening the cohesiveness of these groups.⁴⁶

The Office of Juvenile Justice Delinquency and Prevention’s 2004 review on the causes and correlates of juvenile delinquency concluded that while arrest and sanctions can be justified based on the immediate need to protect public safety, “arrest and subsequent sanctions generally have not been a particularly viable strategy for the prevention of future delinquency...”⁴⁷ To the contrary, “The findings also suggest that the use of the least restrictive sanctions, within the limits of public safety, and enhanced reentry assistance, monitoring and support may reduce future delinquency.”⁴⁸

The inefficiency of arrest and sanctions in stemming youth crime and delinquency is well-established. For example, a 2007 report from the Federal Advisory Committee on Juvenile Justice states: “Research by criminologists over the past several years has shown that punitive consequences do not, in fact, reduce criminal behavior and in some cases actually increase it.”⁴⁹ An exhaustive review by the National Center on Education, Disability and Juvenile Justice cites empirical studies and concludes: “*Incarceration is a spectacularly unsuccessful treatment...*”⁵⁰

Similarly, a wealth of research specific to “gang crackdowns” in the 80s and 90s demonstrates that prosecution and punishment policies will likely prove ineffective at stemming crime. Research over the past 30 years has shown little or no crime control effects from attempts to increase suppression and prosecution of gang members.⁵¹

A study team from Mitre Corporation found that a tough arrest and prosecution program in Los Angeles, known as Operation Hardcore, did indeed net more arrests and prosecutions, but produced no evidence that the crackdown decreased gang activity in the targeted areas.⁵²

E) “Suppression” and expanded law enforcement power will likely target children and teens of color, disproportionate shares of whom are economically disadvantaged and live in distressed communities that lack sufficient educational, recreational and economic opportunities.

Given the uneven distribution of education and job opportunities and the strong link between race and poverty in the United States as well as the lingering, well-documented racial bias within the criminal justice system, the victims of expanded punitive approaches to youth “gangs” will disproportionately be children and teens of color living in neighborhoods of concentrated disadvantage. Such approaches will likely exacerbate the huge racial disparities within our juvenile justice system.

Although ostensibly race-neutral, suppression tactics would almost certainly accelerate and intensify the glaring racial disparities that already permeate every phase of our nation’s juvenile justice system. The largest increases in prison sentences would be meted out to Black and Latino males in middle and high school. We base this conclusion on current demographics on juvenile delinquency and estimates of gang membership. The Juvenile Offenders and Victims 2006 National Report provides the following estimated racial breakdown of gang membership.⁵³

Estimated race/ethnicity of U.S. youth gang members, 2004⁵⁴

Hispanic	49%
Black	37%
White	8%
Asian	5%
Other	1%
Total	100%

Dating back to the early 1990s, forty-five states passed laws making it easier to try juveniles as adults. Thirty-one states stiffened sanctions against youths for a variety of offenses. During the latter half of the 1990s, the number of formally processed cases increased, along with the number of youths held in secure facilities for non-violent offenses.⁵⁵ Black and Latino youths were most severely affected by these changes. In 1998, for example, Black youths with no prior criminal records were six times, and Latino youths three times, more likely to be incarcerated than whites for the same offenses.⁵⁶ Other data show that, while youth of color comprise one third of the nation’s adolescent population, they represented two-thirds of all youths confined to detention and correctional placements.⁵⁷

There is also growing evidence that racial bias—even implicit, unacknowledged, or unconscious—plays a large role in decisions and judgments made routinely by powerful actors within the criminal justice system.⁵⁸ One large-scale study from Florida, for example,

showed that judges were far less likely to “withhold adjudication” for Hispanic and Black males than they were for white males. (The withholding adjudication provision applied to people who had pled or had been found guilty of a felony and will be sentenced to probation. It allows the person on probation to retain their civil rights and to legally assert that they have never been convicted of a felony.) The racial association was strongest, researchers found, for blacks and for drug offenders.⁵⁹ Other research from the field of cognitive science demonstrates that people tend to make unconscious associations between African Americans and crime, among other negative characteristics.⁶⁰ An expansion of punitive policies, coupled with increased use of the loaded “gang” label, surely heightens the risk that bias, whether it is unconscious or not, will affect decisions – about parole, sentences and the like – that powerful actors in the juvenile justice system make about young people of color.

Racial disparities within the juvenile justice system have grown so large that the 2007 Federal Advisory Committee on Juvenile Justice recommended that “Congress offer concrete incentives to states that ...begin implementing action steps that proactively address the [disproportionate minority contact] issue.”⁶¹

Students with disabilities would likely face heightened risk of prosecution and lengthy incarceration for gang-related crime.⁶² According to the Juvenile Offenders and Victims 2006 Report, pre-adolescents with learning disabilities are up to three times more likely to join gangs than their non-disabled peers.⁶³ Recent reports indicate that nearly 33 percent of incarcerated youths have learning disabilities. More than 70 percent suffer from mental illness.⁶⁴ This will likely exacerbate racial disparities even more. This is because Black students with disabilities are four times more likely than whites to be educated in a correctional facility.⁶⁵ Once they leave public schools, Blacks who had been identified as having a learning disability are far more likely than white students with learning disabilities to be arrested (40 percent compared to 27 percent).⁶⁶

Similarly, under harsher arrest and prosecution policies, an increasing share of teenage girls, especially girls of color, could be prosecuted as gang members and spend their childhoods behind bars. According to the National 2006 Report on Juvenile Offenders and Victims, “Females account for a small proportion of the custody population, but their numbers have increased recently.” Nationally, girls make up about 15 percent of incarcerated youth in 2003. This represents an increase of 2 percentage points since 1991.⁶⁷ Girls of color made up about 55 percent of all female juvenile offenders in 2003. The disproportions are most striking for African American girls. For example, about 54 percent of juveniles nationwide are white, 20 percent are Latino, 18 percent are African American and six percent are Asian. However, according to 2003 data, 35 percent of girls in custody were Black, while 45 percent were white.⁶⁸ While law enforcement surveys estimate that gang membership is 94 percent male,⁶⁹ 38 percent of 8th graders self-reporting as gang members are girls. This suggests that females actually constitute far more than 6 percent of gang members.⁷⁰

In his 2006 book *Punishment and Inequality in America*⁷¹ Harvard sociologist Bruce Western demonstrates that punitive policies that increase incarceration backfire and end up hurting the communities they are ostensibly designed to protect. Western documents the strong link between mass incarceration and inequality, particularly among African American men. Incarceration, he argues, is not merely a symptom of social inequality, but it itself *creates* and

exacerbates inequality by undermining families and further separating poor communities of color from American mainstream opportunities and life. Western's study, for example, shows that previous incarceration reduces a man's annual earnings by 40 percent. The risk of divorce is also heightened by incarceration. This is highly consequential because steady work and a stable emotional relationship are two variables strongly linked with a crime-free life. "Incarceration," Western writes, "undermines these steps to an honest living."⁷²

Western's quantitative analysis demonstrates that incarceration was not merely an outgrowth of problems such as urban poverty. Incarceration was a conscious collection of policy responses that exact their own long-term, negative effects upon communities. Such policies not only fail to protect communities from crime, but widen the inequality gap and the psychological distance between people of color who live in distressed communities and everyone else, he argues.

"It is now time to reconsider our twenty-year experiment with imprisonment," Western writes. "By cleaving off poor black communities from the mainstream of American life, the prison boom has left us more divided as a nation. Incarceration rates are now so high that the stigma of criminality brands not only individuals, but a whole generation of young black men with little schooling. While our prisons and jails expanded to preserve public safety, they now risk undermining the civic consensus on which public safety is ultimately based."⁷³ Western's analysis considers the effect of adult criminal justice policies. However, the analysis is certainly relevant to punitive policies that focus upon juveniles.

F) Data suggest that the number of communities with active youth gangs increased in the last three decades, peaked in the early 1990s and has recently declined. Youth gang prevalence declined in non-urban areas but gang violence remains a serious urban problem. This suggests that gang involvement is related to a lack of opportunity and calls into question the need for expanded law enforcement power and the appropriation of even more federal dollars to jails and prisons for children and teens.

Several data sources suggest an overall decline in gang involvement.⁷⁴ However, in a 2004 national government survey, the drop in the number of localities reporting gang problems was nearly completely attributable to a decline in the number of small cities, suburbs and rural communities reporting problems. Almost 8 in 10 cities with populations of 50,000 or more continued to report problems with gangs. According to a 2006 National Report released by the U.S. Department of Justice, only about 1 percent of youth aged 10-17 are gang members⁷⁵ and, as stated previously, many of these youths' affiliations with gangs will be transient.

A growing collection of robust scholarly research in addition to cumulative on-the-ground experience of educators, mental health professionals, youth workers, lawyers, and others demonstrates the irrationality, and financial and human costs of harsh youth-crime policy that reached its peak, most recently, in the late 1990s. Policies such as these are often based on false ideas about the nature of gang involvement. Renewed proposals for expanded law enforcement to combat local problems that may not constitute a national "crisis" would repeat policy prescriptions we know have failed.

The best illustration of the overreaction that spawned so many ill-conceived harsh juvenile justice policies is the hyped warning of young “superpredators.” The theory, first introduced at Harvard by John Walters and later rising to semi-fame in a book he co-authored with John Dilulio, of Princeton University, and William J. Bennett.⁷⁶ The authors predicted the emergence of a new population of “remorseless and morally impoverished” young people who would drastically increase the crime rate by the turn of the century.

This image captured America’s popular imagination and, most disastrously, took control of the nation’s ostensibly better-informed policy world, too. The “superpredator” theory provided the intellectual grist for harsh laws against juveniles enacted by nearly every state Legislature across the nation by the late 1990s.⁷⁷ It likely also provided the intellectual fuel that drove construction of the well-documented “school to prison pipeline” phenomenon in which unrelenting school-enacted “zero tolerance” policies funnel students into a harsh juvenile justice system often for minor offenses.⁷⁸

In fact, when Dilulio issued his famous warning, youth crime was already waning. Later, he repudiated his earlier warning that “a new generation of street criminals is upon us – the youngest, biggest and baddest generation any society has ever known.” After working with disadvantaged teens in Philadelphia, he announced a conclusion well-supported by non-partisan research: “If I knew then what I know now, I would have shouted for prevention of crimes.”⁷⁹ Even the creator of the “superpredator” myth has come to conclude what the most dedicated educators in impoverished communities have long said: given opportunity and support, children otherwise vulnerable to gang involvement and crime possess vast potential for contributing to the larger society.

Conclusion

Current legislative proposals that would expand the definition of gangs and increase law enforcement power and prison sentences for youth will likely increase already high rates of incarceration when we have far better preventive tools at our disposal. The combination of more youth arrests combined with zero funds for dropout prevention programs will likely crowd an already overflowing school to prison pipeline even when we know about effective strategies that direct youth to more constructive lives. The most recent report from the Bureau of Justice Statistics shows that the United States is in its 33rd straight year of rising incarceration rates.⁸⁰ One in forty children in the United States has at least one incarcerated parent and some data suggest that up to 1 in 14 African American children has at least one incarcerated parent.⁸¹ The United States estimates that 7.3 million children have a parent in prison, jail, on probation or on parole.⁸²

As we spend billions on incarceration, high school graduation rates for young men of color currently drop below 50 percent in many states. Access to high quality preschool continues to be unevenly distributed, with middle class parents still having far greater access to the strongest programs.⁸³

Experience and research clearly demonstrate that, where children are concerned, federal crime-prevention and gang-prevention dollars would most judiciously be put toward larger investments in proven programs that equip young people with life skills and

alternative opportunities for engagement. Additionally, programs and policies that treat problems related to conditions of poverty, educational failure and isolation, all of which make gang membership attractive to youths living in communities of extreme disadvantage, have demonstrated their effectiveness and efficiency.

Meanwhile, policy prescriptions that combine two approaches – that is, that vastly increase police power and impose stiffer penalties while mixing in small doses of “prevention” – may appear politically palatable by offering a seemingly attractive, win-win “balanced” approach. However, research on the short- and long-term benefits of prevention and the damage wrought by increased incarceration caution against such a policy. This is because expanded law enforcement power and sanctions may very well backfire and ultimately undermine the school and community based programs that have been shown to be effective at redirecting young people at risk of gang involvement into crime-free lives.

As far as youth crime prevention goes, the nation knows enough about what works and what does not. Now, it is time to bring our policy and practice up to the level of our knowledge. In light of past mistakes and the current state of our knowledge, it is long past time we shifted the balance dramatically in a new, more positive, hopeful direction.

¹ CHHIRJ is based at Harvard Law School. See <http://www.charleshamiltonhouston.org>.

² In 2008, two proposals, S. 456 (the “Teinstein” bill) and H.R. 3547 (The “Schiff” bill) are strikingly similar in their underlying justifications and orientations. Both bills have the potential to arrest and prosecute children and teens only marginally associated with gangs or gang members. A third bill, H.R. 3846 (The Promise Act, or “Scott Bill”), is qualitatively different. It seeks to reduce youth violence and delinquency by directing resources to communities that face a high risk of crime. A local council would be developed to implement a comprehensive plan of programs and services to help youth at risk of gang involvement and delinquency.

³ Howard N. Snyder & Melissa Sickmund, JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT (U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention) (2006), available at <http://ojjdp.ncjrs.org/ojstatbb/nr2006/downloads/NR2006.pdf>

⁴ The U.S. per capita incarceration rate is 700 per 100,000 citizens, which is the world’s highest rate and about 7 times the world average. International Centre for Prison Studies. School of Law, King’s College London. *World Prison Brief – Highest to Lowest Rates*.

⁵ James J. Heckman, POLICIES TO FOSTER HUMAN CAPITAL (1999) (paper presented at the Aaron Wildavsky Forum, Richard and Rhoda Goldman School of Public Policy at the University of California at Berkeley).

⁶ David Osher, Mary Magee Quinn, Jeffrey Poirier & Robert Rutherford, *Deconstructing the pipeline: Using efficacy, effectiveness, and cost-benefit data to reduce minority youth incarceration*, in DECONSTRUCTING THE SCHOOL TO PRISON PIPELINE 92, FN9 (Johanna Wald and Dan Losen eds., Jossey Bass 2003). See also U.S. Department of Health and Human Services, YOUTH VIOLENCE: A REPORT OF THE SURGEON GENERAL, Chapter Five, Prevention and Intervention (2001), available at <http://www.surgeongeneral.gov/library/youthviolence/default.htm>. See also EMQ Children & Family Services, *The Case for Wraparound*, http://www.emq.org/press/faq/wrap_case.html.

⁷ U.S. Department of Health and Human Services, YOUTH VIOLENCE: A REPORT OF THE SURGEON GENERAL, Chapter Five, Prevention and Intervention (2001), available at <http://www.surgeongeneral.gov/library/youthviolence/default.htm>.

⁸ See, e.g., Nebraska Department of Education, Federal Programs, Social Development Model, http://www.nde.state.ne.us/federalprograms/sdfs/sba/social_devel.htm.

⁹ James Heckman & Dimitri Masterov, *The Productivity Argument for Investing in Young Children* (2004), available at http://www.ced.org/docs/summary/summary_heckman.pdf. See also, Beck A. Taylor, Eric Dearing & Kathleen McCartney, *Incomes and Outcomes in Early Childhood*, 39 J. HUM. RESOUR. 980-1007 (2004) (a fascinating consideration of this question).

¹⁰ See, e.g., David J. Hawkins, *Communities That Care Operating System and Building Developmental Assets: A Comparison of Two Approaches to Positive Youth Development*, National Prevention Leadership Conference (July 2002).

¹¹ Arthur Reynolds, Judy A. Temple, Dylan Robertson & Emily Mann, *Long-Term Effects of an Early Childhood Intervention on Educational Attainment and Juvenile Arrest*, 285 JAMA 2339-2346 (2001).

¹² Arthur J. Reynolds et al., *Effects of a School-Based, Early Childhood Intervention on Adult Health and Well-being: A 19-year Follow-up of Low-Income Families*, 161 ARCH. PEDIAT. ADOL. MED. 730-739 (2007).

¹³ Washington State Institute for Public Policy, *Washington State's Family Integrated Transitions Program for Juvenile Offenders: Outcome Evaluation and Benefit-Cost Analysis* (2004), available at <http://www.wsipp.wa.gov/rprfiles/04-12-1201.pdf>.

¹⁴ See, e.g., R.D. Felner & A.M. Adan, *The School Transitional Environment Project: An Ecological Intervention and Evaluation*, in 14 COUNCES OF PREVENTION: A CASEBOOK FOR PRACTITIONERS 111-122 (R.I. Price, F.L. Cowen, R.P. Lorion & J. Ramos-McKay eds., American Psychological Association 1988); Robert D. Felner, Melanie Ginter & Judith Primavera, *Primary Prevention During School Transition: Social Support and Environmental Structure*, 10 AM. J. COMMUN. PSYCHOL. 277-290 (1982); Olga Reyes & Leonard A. Jason, *An Evaluation of a High School Dropout Prevention Program*, 19 J. COMMUNITY PSYCHOL. 221-230 (1991).

¹⁵ Scott Henggeler et al., *Effects of Multisystemic Therapy on Drug Use and Abuse in Serious Juvenile Offenders: A Progress Report from Two Outcome Studies*, 1 FAM. DYNAM. ADDICTION Q. 40-51 (1991); Scott Henggeler et al., *Multisystemic Therapy with Violent and Chronic Juvenile Offenders and Their Families: The Role of Treatment Fidelity in Successful Dissemination*, 65 J. CONSULT. CLIN. PSYCHOL. 821-833 (1997); Scott Henggeler et al., *Home-Based Multisystemic Therapy as an Alternative to the Hospitalization of Youths in Psychiatric Crisis: Clinical Outcomes*, 38 J. AM. ACAD. CHILD ADOLESC. PSYCHIATRY 1331-1339 (1999). For an excellent synthesis of the research on MST, see the "Promising Practices Network" <http://www.promisingpractices.net/program.asp?programid=81>.

¹⁶ Finn-Aage Esbensen et al., *How Great is G.R.E.A.T.? Results from a Longitudinal Quasi-Experimental Design*, 1 CRIMINOL. PUBL. POL. 87-118 (2001).

¹⁷ James J. Heckman & Havio Cunha, *Investing in Our Young People*. (Unpublished, funded by the National Institutes of Health, 2007).

¹⁸ Heckman offered these comments in an article for *Education Week* magazine. James J. Heckman, *Beyond Pre-K*, EDUCATION WEEK (3/19/2007).

¹⁹ *Id.*

²⁰ See Finn-Aage Esbensen, *Preventing Adolescent Gang Involvement*, in *Juvenile Justice Bulletin* 6 (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, September 2000) [hereinafter *OJJDP Bulletin*].

²¹ *Id.* at 6-7, 9.

²² *Id.* at 9. The Bulletin concludes that there is a need for all three levels of intervention as part of a comprehensive strategy. While the Bulletin acknowledges that there is "no clear solution," it highlights the

importance of early primary prevention strategies, the need for prevention programs to consider gender as part of their efforts and the need to address the underlying causes rather than simply focusing on individual factors.

²³ *Id.* at 7. The Justice Department's Bulletin further concludes that strategies that rely upon "law enforcement suppression tactics" and produce more arrests have not been well evaluated and are not likely to reduce gang-related crime.

²⁴ David Osher, Mary Magee Quinn, Jeffrey Poirier & Robert Rutherford, *Deconstructing the pipeline: Using efficacy, effectiveness, and cost-benefit data to reduce minority youth incarceration*, in *DECONSTRUCTING THE SCHOOL TO PRISON PIPELINE* 92, FN7 (Johanna Wald and Dan Losen eds., Jossey Bass 2003).

²⁵ See U.S. Department of Education, *Funding Status – School Dropout Prevention Program*, <http://www.ed.gov/programs/dropout/funding.html>; and Section 1803 of Title I, Part H of the No Child Left Behind Act, available at <http://www.ed.gov/policy/elsec/leg/esea02/pg15.html>.

²⁶ See 301 (d) and (c) of S. 456.

²⁷ Gary Orfield et al., *Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis* 1 (The Civil Rights Project at Harvard University 2004). Available at <http://www.civilrightsproject.ucla.edu/research/dropouts/LosingOurFuture.pdf>

²⁸ *Id.*

²⁹ Henry Levin, Clive Belfield, Peter Muennig & Cecilia Rouse, *The Costs and Benefits of an Excellent Education for America's Children*, Working Paper, Teachers College, Columbia University (2006). <http://www.cbcs.org/pages/cost-benefit-studies.php>. Crimes and arrests were considered in deriving the impact of education on the commission of specific crimes because crimes greatly exceed arrests. Data on specific crimes was taken from the annual Uniform Crime Report. *Id.* at 41.

³⁰ Peter E. Leone, Christine A. Christle, C. Michael Nelson, Russell Skiba, Andy Frey & Kristine Jolivette, *School Failure, Race, and Disability: Promoting Positive Outcomes, Decreasing Vulnerability for Involvement with the Juvenile Justice Delinquency System* (National Center of Education, Disability and Juvenile Justice, October 2003). This report cites several sources for this figure including: Coordinating Council on Juvenile Justice and Delinquency Prevention, *National Juvenile Justice Action Plan* (Office of Juvenile Justice and Delinquency Prevention 1995); Maryland Department of Legislative Services, *Juvenile court- Expansion of jurisdiction, Fiscal and Policy Note*, HB 520 (Maryland General Assembly 2003).

³¹ JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT at 201.

³² See Terrence P. Thornberry, David Huizinga & Rolf Loeber, *The Causes and Correlates Studies: Findings and Policy Implications*, 9 JUVENILE JUSTICE 5 (2004). Available at <http://www.ncjrs.gov/html/ojdp/203555/jj2.html>.

³³ David Osher, Mary Magee Quinn, Jeffrey Poirier & Robert Rutherford, *Deconstructing the pipeline: Using efficacy, effectiveness, and cost-benefit data to reduce minority youth incarceration*, in *DECONSTRUCTING THE SCHOOL TO PRISON PIPELINE* 92, FN9 (Johanna Wald and Dan Losen eds., Jossey Bass 2003).

³⁴ Arthur J. Reynolds, Judy A. Temple, Dylan Robertson & Emily Mann, *Long-Term Benefits of Participation in the Title I Chicago Child-Parent Centers*, Paper Presented at the Biennial Meeting of the Society for Research on Adolescence, Chicago, March 30, 2000. For more information on Child-Parent Centers and other "Promising Programs," see <http://www.promisingpractices.net/program.asp?programid=98>.

³⁵ Henry Levin, Clive Belfield, Peter Muennig & Cecilia Rouse, *The Costs and Benefits of an Excellent Education for America's Children*, Working Paper, Teachers College, Columbia University (2006). <http://www.cbcs.org/pages/cost-benefit-studies.php>.

³⁶ See generally David Osher, Mary Maggee Quinn, Jeffrey Poirier & Robert Rutherford, *Deconstructing the pipeline: Using efficacy, effectiveness, and cost-benefit data to reduce minority youth incarceration*, in DECONSTRUCTING THE SCHOOL TO PRISON PIPELINE (Johanna Wald and Dan Losen eds., Jossey Bass 2003).

³⁷ Barry Krisberg & Susan Marchionna, *Attitudes of US Voters toward Youth Crime and the Justice System* (National Council on Crime and Delinquency 2007).

³⁸ Daniel Nagin, Alex Piquero, Elizabeth Scott & Laurence Steinberg, *Public Preferences for Rehabilitation versus Incarceration of Juvenile Offenders: Evidence from a Contingent Valuation Survey*, University of Virginia Legal Working Paper Series, University of Virginia John M. Olin Program in Law and Economics Working Paper Series, Working Paper 28, available at <http://law.bepress.com/uvalwps/olin/art28>.

³⁹ *Id.* at 27.

⁴⁰ *Id.* at 28.

⁴¹ Judith Greene & Kevin Pranis, *Gang Wars: The Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies* 6 (Justice Policy Institute Report, July 2007), available at http://www.justicepolicy.org/images/upload/07-07_REp_GangWars_GC-PS-AC-JJ.pdf [hereinafter *JPI Report 2007*].

⁴² See generally *JPI Report 2007*.

⁴³ See *OJJDP Bulletin* at 4.

⁴⁴ See *JPI Report 2007* at 6 (“Heavy-handed suppression efforts can increase gang cohesion.”) and at 50 citing a Denver Youth Survey by Huizinga that gang members see incarceration as, “... a right of passage....” And some said “they learned things, especially while incarcerated, and made contacts.” Furthermore, “Gang control policies that fix the gang label on youth do just the opposite: they keep former gang members from acquiring the social capital they need in order to survive in mainstream society.” *Id.* at 51.

⁴⁵ See *OJJDP Bulletin* at 5 citing research by Battin-Pearson et al., 1997. While the terms pro and anti-social are not explicitly defined where they are referenced in the cited article, the term “delinquent” and “anti-social” tend to be used synonymously in the literature. “Pro-social” apparently refers to stronger school commitment, stronger attachment to parents and less impulsive, risk seeking and deviant behavior. See Battin-Pearson, et al., *Early predictors of sustained adolescent gang membership*, Paper presented at the American Society of Criminology Annual Meeting, San Diego, CA (1997).

⁴⁶ Malcolm W. Klein, *THE AMERICAN STREET GANG: ITS NATURE, PREVALENCE, AND CONTROL* (Oxford University Press 1995).

⁴⁷ See Terrence P. Thornberry, David Huizinga & Rolf Loeber, *The Causes and Correlates Studies: Findings and Policy Implications*, 9 JUVENILE JUSTICE (2004). Available at <http://www.ncjrs.gov/html/ojjdp/203555/jj2.html>.

⁴⁸ *Id.*

⁴⁹ *Federal Advisory Committee on Juvenile Justice Annual Recommendations Report to the President and Congress of the United States* 3 (Federal Advisory Committee on Juvenile Justice 2007), available at <http://www.facjj.org/annualreports/ccfACJJ%20Report%20508.pdf>.

⁵⁰ See Peter E. Leone, Christine A. Christle, C. Michael Nelson, Russell Skiba, Andy Frey & Kristine Jolivet, *School Failure, Race, and Disability: Promoting Positive Outcomes, Decreasing Vulnerability for Involvement with the Juvenile Justice Delinquency System* 3 (National Center of Education, Disability and Juvenile Justice, October 2003).

⁵¹ See generally *JPI Report, 2007*; Also see Krisberg, B. Austin, J., and Steele, P.S. 1989. *Unlocking Juvenile Corrections*. San Francisco, CA: National Council on Crime and Delinquency; Klein, M. 1995. *THE AMERICAN STREET*

GANG: ITS NATURE, PREVALENCE AND CONTROL. New York: Oxford University Press.; Krisberg, B., Austin, J., Joe, K., and Steele, P.A. 1988. *The Impact of Juvenile Court Sanctions*. San Francisco, CA: National Council on Crime and Delinquency.; Krisberg, B., Currie, E., Onek, D., and Wiebush, R. 1995. Graduated sanctions for serious, violent, and chronic juvenile offenders. In *SERIOUS, VIOLENT, AND CHRONIC JUVENILE OFFENDERS*. Thousand Oaks, CA: Sage Publications.

⁵² Dahmann, J. 1981. *Operation Hardcore, A Prosecutorial Response to Violent Gang Criminality: Interim Evaluation Report*. Washington, DC: Mitre Corporation. Reprinted in *The Modern Gang Reader*, edited by M.A. Klein, C.L. Maxson, and J. Miller, 1995. Los Angeles, CA: Roxbury Publishing Company, pp. 301–303.

⁵³ JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT at 83.

⁵⁴ JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT. Note that these estimates from enforcement agencies may under-count gang participation by whites and females; one large-scale 1995 survey of public school 8th graders found that 25% of self-reported gang members were white. One explanation for the difference between self-reports and enforcement estimates is that the enforcement estimates reflect the prevalence of racially discriminatory patterns of arrest and sanctions. For example, since 1995, African American boys and girls have consistently accounted for close to 60% of imprisoned children.

⁵⁵ DECONSTRUCTING THE SCHOOL TO PRISON PIPELINE (Johanna Wald and Dan Losen eds., Jossey Bass 2003).

⁵⁶ *Id.* at 10.

⁵⁷ *Id.* at 10.

⁵⁸ See, e.g., Katherine Beckett, Kris Nyrop & Lori Pfingst, *Race Drugs, and Policing: Understanding Disparities in Drug Delivery Arrests*, 44 *CRIMINOLOGY*, 105-137 (2006). Researchers attempted to explain the racial disparities in Seattle's drug delivery arrests. The findings indicated that blacks were "significantly overrepresented among Seattle's drug delivery arrestees." This could be explained by several "organizational practices." Specifically, law enforcement focused on crack as opposed to powder cocaine offender and placed priority on outdoor drug venues and also concentrated on heavily black areas. The "available evidence further indicates that these practices are not determined by race-neutral factors such as crime rates or community complaints." In other words, the researchers conclude: "race shapes perceptions of who and what constitutes Seattle's drug problem, as well as the organizational response to that problem."

⁵⁹ Stephanie Bontrager, William Bales & Ted Chiricos, *Race, Ethnicity, Treatment and the Labeling of Convicted Felons*, 43 *CRIMINOLOGY* 589 (2005).

⁶⁰ See, e.g., Ted Chiricos, Kelly Welch & Marc Gertz, *Racial Typification of Crime and Support for Punitive Measures*, 42 *CRIMINOLOGY* 358-390 (2004). In this study, researchers studied the extent to which people associate crime with African Americans. The "racism" that the authors noted in this study "eschews overt expressions of racial superiority and hostility but instead sponsors a broad anti-African American effect that equates African-Americans with a variety of negative traits of which crime is certainly one. Thus study demonstrates that the equation of race and crime is a significant sponsor of the punitive attitudes that are given material substance in the extraordinary rates of incarceration now found in the United States."

⁶¹ *Federal Advisory Committee on Juvenile Justice Annual Recommendations Report to the President and Congress of the United States* ix (Federal Advisory Committee on Juvenile Justice 2007), available at <http://www.facjj.org/annualreports/cct%20Report%20508.pdf>.

⁶² See Joseph B. Tulman, *Disability and Delinquency: How Failures to Identify, Accommodate, and Serve Youth with Education-related Disabilities Leads to Their Disproportionate Representation in the Delinquency System*, 3 *WINTER J. CHILD & FAM. ADVOC.* 3 (2003).

⁶³ JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT at 83. (The report cites a study of youth living in high crime neighborhoods in Seattle).

⁶⁴ Peter E. Leone, Christine A. Christle, C. Michael Nelson, Russell Skiba, Andy Frey & Kristine Jolivette, *School Failure, Race, and Disability: Promoting Positive Outcomes, Decreasing Vulnerability for Involvement with the Juvenile Justice Delinquency System* (National Center of Education, Disability and Juvenile Justice, October 2003).

⁶⁵ David Osher et al., *Schools Make a Difference: The Overrepresentation of African American Youth in Special Education and the Juvenile Justice System*, in RACIAL INEQUITY IN SPECIAL EDUCATION 98 (Daniel J. Losen & Gary Orfield eds., 2002).

⁶⁶ See Donald P. Oswald et al., *Community and School Predictors of Overrepresentation of Minority Children in Special Education*, in RACIAL INEQUITY IN SPECIAL EDUCATION, *id.* at 1.

⁶⁷ See JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT at 206.

⁶⁸ *Id.*

⁶⁹ *Id.* at 83.

⁷⁰ *Id.*

⁷¹ Bruce Western, PUNISHMENT AND INEQUALITY IN AMERICA (2006). See also Bruce Western & Becky Pettir, *Black-White Earnings Inequality, Employment Rates, and Incarceration*, 111 AM. J. SOCIOLOGY 553-578 (2005). See also Becky Pettir & Bruce Western, *Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration*, 69 AM. SOCIOLOGY REV. 151-69 (2004).

⁷² Western comments upon his study in an article for the Nieman Foundation at Harvard University. See *Nieman Watchdog, Ask This: Does Mass Incarceration Make Us Safer?* (November 19, 2007), http://www.niemanwatchdog.org/index.cfm?fuseaction=ask_this.view&askthisid=301.

⁷³ *Id.*

⁷⁴ The U.S. Department of Justice's Office of Justice Programs reports that in 1996, 850,000 youth were members of gangs. By 2004, that number had dropped to 760,000.

⁷⁵ Justice Policy Institute, *Ganging Up on Communities? Putting Gang Crime in Context*, available at http://www.justicepolicy.org/images/upload/05-07_REP_GangingUp_GC-JJ-PS.pdf

⁷⁶ William J. Bennett, John J. DiIulio & John P. Walters, *BODY COUNT: MORAL POVERTY... AND HOW TO WIN AMERICA'S WAR AGAINST CRIME AND DRUGS* (1996). The term "superpredator" was coined in this book.

⁷⁷ *Id.* Also see, DiIulio, J., Jr. 1996. They're coming: Florida's youth crime bomb. *Impact* (Spring):25-27.

⁷⁸ DECONSTRUCTING THE SCHOOL TO PRISON PIPELINE 92, FN9 (Johanna Wald and Dan Losen eds., Jossey Bass 2003).

⁷⁹ Elizabeth Becker, *As Ex-Theorist on Young 'Superpredators,' Bush Aide Has Regrets*, N.Y. Times, February 9, 2001.

⁸⁰ According to the Bureau of Justice Statistics, the U.S. imprisonment rate in 2005 is 491 per 100,000 people. About 2.2 million are currently in prison or jail. About five million people are on probation or parole.

⁸¹ A. Adalist-Estrin & J. Mustin, *Introduction to Children of Prisoners* (The Children of Prisoners Library 2003), available at <http://www.fcnetwork.org/cpl/CPL101-IntroductiontoCPL.pdf>.

⁸² Christopher J. Mumola, *Incarcerated Parents and Their Children* (US Department of Justice, Bureau of Justice Statistics 2000). In 1999, 1.5 million children had a parent in prison-up 50 percent from the previous decade.

⁸³ Bruce Fuller & Annelie Strath, *The Child-Care and Preschool Workforce: Demographics, Earnings, and Unequal Distribution*, 23 EDUC. EVAL. AND POLICY AN. 37-55 (2001). For a discussion about the long-term benefits of early childhood education, see FROM NEURONS TO NEIGHBORHOODS: THE SCIENCE OF EARLY CHILDHOOD DEVELOPMENT (Jack Shonkoff & D. Phillips eds., National Academies Press 2000).

Mr. OGLETREE. Thank you.

Dr. Susan Eaton, David Harris, Johanna Wald, and Daniel Losen have been working extremely hard on this topic.

And I hope there will be at least two important conclusions today.

First of all, there is no one on this panel or in this room who supports the idea of gang violence. We all think it is a problem and it should be addressed. It is not to suggest there is not a serious problem, but the problem is how we have addressed it thus far. The money that we have spent on gangs at the expense of prevention is just astonishing.

We have focused on targeted groups, many of them male, many of them Black and Brown, and if you look in this audience today, you see a lot of young men who have overcome those challenges and tell us if we invest in our communities, it makes a huge difference in those who will be able to make a difference.

And if we want to solve the problem of violent crime, it is imperative that we focus on the gang members and not every single person of color who happens to fit the age, the dress, the race, and the residential profile. It is too inclusive, and it undermines the idea of having a focused and seriously addressed criminal justice system.

I also want to acknowledge the work of Dr. Robert Macy who you will be hearing from momentarily who is providing expert testimony today, and he supports the most counterproductive direction that we can move in. It tells you it is to expand the net of offenses for which youths can be prosecuted and incarcerated. If we do, he will tell you, we will snare into that net those children and teenagers who are neither dangerous nor violent, but very much in need of adult guidance and direction and opportunities to develop healthy pursuits, talents, and skills.

Moreover, a strategy that will almost certainly target children of color who live in the communities that are already overwhelmed undermines the very purpose of crime prevention. We can prevent these crimes by addressing more systematically, more systemically, and more effectively and more costly the idea from birth to teenage years giving those children a healthy environment, an opportunity to go to school, family resources in a community that has programs that addresses them.

In our report, we outline some of the best practices in the country that have been very effective over the past few years, and they are there for the Committee to consider.

And one of the problems that you cannot ignore, this idea of sweeping in gangs has led to an onslaught of sweeping in Black and Brown males, particularly in places like California and in places like the City of Detroit and Chicago and Philadelphia and Washington, DC. You can almost take any map and see where there is a large conglomerate of African-American men or Latino men and see an overrepresentation of criminal justice system.

It is a problem that has been plagued by the absence of meaningful educational programs, by a net that is too large, and by the absence of any meaningful efforts to address it systemically.

Finally, I would say that our institute is very interested and willing and able to assist this Committee in not only looking at the

data that is available, but also coming up with recommendations that will address the concerns of those who want to fight crime and fight the criminals and not just fight those who are innocent bystanders and who are the byproduct of a system whose net is much too large, whose focus is much too general, and whose target is largely men of color who are African-American and Latino.

We can address those issues much more systemically, and I hope we have a chance to do that during the course of this hearing and beyond.

Thank you.

[The prepared statement of Mr. Ogletree follows:]

PREPARED STATEMENT OF CHARLES OGLETREE, JR.



Addressing Gangs: What's Effective? What's Not?

Written Testimony Submitted to the Subcommittee on Crime,

Terrorism and Homeland Security

Rayburn House Building 2141

2:00 pm

June 10, 2008

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Dear Representative John Conyers, and Members of the House of Representatives
Subcommittee on Crime, Terrorism and Homeland Security:

My name is Charles Ogletree, Jr. I am the Jesse Climenko Professor of Law at Harvard Law School. I am also Founder and Executive Director of the Charles Hamilton Houston Institute for Race and Justice, also at Harvard Law School. I thank you for inviting me to testify today about effective policies and practices aimed at reducing violence and gang involvement among young people. As the Subcommittee, and, eventually, the entire House of Representatives and Senate determine how to best invest funds in this area, we must not lose sight of the dual goals of any legislation involving the lives and futures of young people. This legislation must aim to both prevent youth crime and violence, and to facilitate the healthy development of all of our nation's children, especially those who are most vulnerable and who live in communities of concentrated disadvantage. I believe—and the evidence confirms—that these goals are not incompatible, and it is to this point that I plan to focus my testimony.

Before I begin, I believe it will be helpful to provide the Subcommittee with some background information about the Charles Hamilton Houston Institute that I founded at Harvard Law School, and about the man who inspired its name. Charles Hamilton Houston was one of the 20th century's most brilliant legal scholars and litigators. He was a native of Washington, D.C., a graduate of the M Street High School, now known as Dunbar High School, and valedictorian at Amherst College before he began his career at Harvard Law School in 1919. Later, as vice-dean of Howard Law School, Houston engineered and constructed the multi-year legal strategy that led to the unanimous Supreme Court decision, on May 17, 1954, repudiating the doctrine of "separate but equal" schools for black and white children. In this celebrated ruling the Court held that segregated educational facilities were "inherently unequal" and violated black children's rights to equal protection under the 14th amendment. *Brown v. Board of Education* was a watershed legal decision and is one of the proudest moments in our jurisprudence. Just as important, though, *Brown* was the progenitor of

the civil rights movement, which altered our nation's consciousness, changed its laws and chipped away at its long legacy of discrimination, segregation and inequality.

As Founder and Executive Director of the Charles Hamilton Houston Institute for Race and Justice, I, with a staff of experts in the areas of education, housing, child development and criminal justice, attempt to carry on Houston's legacy in remedying racial inequalities in opportunity and related injustices in connected systems of education and criminal justice. The Institute conducts policy and legal analysis, and regularly convenes meetings, roundtables and conferences. Staff members take part in activities ranging from community organizing efforts to spreading knowledge at academic conferences. Ultimately, the Houston Institute creates a bridge between knowledge and action. We reach deeply into the worlds of research, policy, and practice. While adhering to the most rigorous standards of academic scholarship, we are equally committed to ensuring that such knowledge is accessible and useful to policy makers, practitioners and the general public. This commitment is based upon our strong belief that effective, enduring policy, while emerging from our collective American values of fairness and justice, is always informed by solid evidence and data, rather than anecdotes or emotional appeals.

At the start of 2008, the Institute sought to identify and analyze key research findings about effective practices aimed at curbing gang violence and membership, and juvenile crime. At the time, the House and Senate were debating bills offering contrasting strategies for dealing with the challenges of youth violence and gang involvement. We believed it was critical that legislators have access to the best possible evidence before making critical decisions about how to invest dollars in crime and violence prevention. My staff and I were particularly concerned about the possibility that certain strategies may, perhaps inadvertently, further exacerbate already deeply troubling racial disparities that permeate both the criminal and juvenile justice systems. In fact, racial disparities within the juvenile justice system have grown so large that the 2007 Federal Advisory Committee on Juvenile Justice recommended that "Congress offer concrete incentives to states that ...begin implementing action steps that proactively address the [Disproportionate Minority Contact (DMC)] issue."ⁱ It is vital

that Congress not enact new legislation almost certain to increase DMC, particularly when it has already recognized this as a serious problem in need of deliberate and immediate action on the part of states.

The policy brief the Institute released in March 2008, entitled “No More Children Left Behind Bars” reviews the most robust research on juvenile justice, child development and educational interventions in an effort to assess the most promising approaches to curbing youth violence and gang affiliation. I want to thank Susan Eaton, Research Director of the Houston Institute, for serving as the primary author of this brief. She was assisted in her efforts by David Harris, Managing Director, Johanna Wald, Director of Strategic Planning, and Daniel Losen, Senior Research and Policy Associate. In this written testimony, I summarize some of the key conclusions drawn in the brief. I also attach the full policy brief as an Appendix, which is also available on the Charles Hamilton Houston Institute website.ⁱⁱ

The brief’s main conclusion is that public dollars spent on education and prevention are far more effective in stemming violence and discouraging gang affiliation than broadening prosecutorial powers or stiffening criminal penalties for young people accused of gang-related crimes. The brief finds that a “get tough” approach heavily focused on prosecution and incarceration shows little evidence of working to deter gang affiliation. Rather, our reading of the scholarly research and our examination of trend data point to the following conclusions, which are supported in the brief:

- A. Data suggest the number of communities with active youth gangs increased in the last three decades, peaked in the early 1990s and has recently declined. Youth gang prevalence declined in non-urban areas but gang violence remains a serious problem in some urban communities of concentrated disadvantage. This suggests that gang involvement is related to a lack of opportunity in certain communities and calls into question the need for expanded law enforcement power and the appropriation of even more federal dollars on jails and prisons for children and teens.

- B. Many education-related and community based youth programs demonstrate effectiveness and promise in redirecting young people away from gangs, by preventing gang affiliation in the first place, and by assisting teens in completing high school, which together translate into reduced crime and healthier communities.
- C. Tactics focused on increasing prosecutions, expanding the definition of gang membership and lengthening prison sentences will likely strengthen, not reduce, gang affiliations by isolating children and teenagers with anti-social peers and by removing them from healthier social environments and opportunities to participate in more positive outlets. Such policies will also likely result in the unwarranted and counter-productive prosecution of non-violent youths who become marginally engaged in gangs for short periods of time, but would quickly lose interest on their own. ⁱⁱⁱ
- D. Such tactics will also likely target children and teens of color, disproportionate shares of whom are economically disadvantaged and live in distressed communities that lack sufficient educational, recreational, and economic opportunities. In so doing, the tactics will worsen, rather than diminish, the problem of disproportionate minority contact, which Congress has recognized as a major problem that must be addressed in almost every state.
- E. Public opinion data strongly suggest that the American public endorses investments made in education and prevention strategies for youth rather than in more prosecutions and longer jail sentences.

Below, I elaborate on a few of these conclusions. A critical point made in the brief, which I want to reinforce here, is to refute the notion that broadened prosecutorial powers, combined with a small dose of prevention, constitute a “balanced” approach. This is a fallacy because, in fact, one approach actually negates the positive results of the other. Harsh law enforcement tactics may worsen the problem of juvenile crime by solidifying gang affiliation and isolating these children and teenagers from communities

and schools where they at least have a chance of finding more positive outlets. Such policies also are more expensive to taxpayers than funding prevention and education aimed at keeping youths away from gangs in the first place.

This is not to suggest that gang violence is not a very serious problem in some communities. It is. It is also true that a very small percentage of young people are dangerous and in need of intensive treatment away from the public. But they represent a small minority. There is absolutely no empirical evidence to suggest that vast swaths of our nation's youth are somehow beyond redemption and in need of permanent warehousing. The concept of the "superpredator" that was popularized during the 1990's has been thoroughly discredited by researchers and practitioners alike, and even denounced by the individuals who made that term famous. Most children who are drawn to gangs do so out of a need to affiliate and connect. They "age out" of this interest quickly and move on to more healthy activities and concerns on their own.

As the very profound work of Dr. Robert Macy, who is providing expert testimony today, supports, the most counter-productive direction that we can move in now is to expand the net of offenses for which youths can be prosecuted and incarcerated. If we do, we will snare into that net those children and teenagers who are neither dangerous nor violent, but very much in need of adult guidance and direction, and of opportunities to develop healthy pursuits, talents, and skills. By stepping up prosecutions of these non-violent children and teenagers, we will remove them from the communities, activities, social contacts and schools that could nurture healthy development, and instead isolate them with a group of anti-social peers who will only reinforce and harden their worst impulses. This harms not only the children, their families and communities, but the entire nation—morally, socially, and economically.

In addition, such a strategy is almost certain to target children and teens of color, particularly those who live in communities that lack the opportunities routinely afforded to more affluent children. The racial disparities permeating the juvenile justice system are deeply troubling. For example, in 2003, African American youth were detained at a rate four and a half times higher than that of their white counterparts.

According to these figures, minority youth represented 61 percent of all youth detained in 2003, despite accounting for only about one-third of the nation's youth population.^{iv} Four out of five new juvenile detainees between 1983 and 1997 were youths of color. According to one study^v black youths with no prior criminal records were six times more likely, and Latino youths three times more likely, to be incarcerated than white youths for the same offenses.

There is also growing evidence that racial bias—often implicit, unacknowledged, or unconscious—plays a large role in decisions and judgments made routinely by powerful actors within the criminal justice system.^{vi} For example, one large-scale study from Florida showed that judges were far less likely to “withhold adjudication” for Hispanic and black males than they were for white males. (The withholding adjudication provision applied to people who had pled or had been found guilty of a felony and will be sentenced to probation. It allows the person on probation to retain their civil rights and to legally assert that they have never been convicted of a felony.) The racial association was strongest, researchers found, for blacks and for drug offenders.^{vii} Other research from the field of cognitive science demonstrates that people tend to make unconscious associations between African Americans and crime, among other negative characteristics.^{viii} An expansion of punitive policies, coupled with increased use of the loaded “gang” label, surely heightens the risk that bias, whether it is unconscious or not, will affect decisions -- about parole, sentencing and the like -- that powerful actors in the juvenile justice system make about young people of color.

Experience and research clearly demonstrate that, where children are concerned, the most judicious use of federal crime-prevention and gang-prevention dollars would be to focus on investments in proven programs that equip young people with life skills and alternative opportunities for engagement. Additionally, programs and policies that treat problems related to conditions of poverty, educational failure and isolation, all of which make gang membership attractive to youths living in communities of extreme disadvantage, have demonstrated their effectiveness and efficiency.

Top scholars in fields such as economics, educational psychology and public health have identified common characteristics of particularly promising programs and practices. Reports reaching these and similar conclusions have been released by the American Psychological Association, the Washington State Institute for Public Policy, the Social Development Research Group of Seattle, and the US Office of Juvenile Justice and Delinquency. They find that successful programs tend to have the following characteristics:

- They begin in pre-school and are sustained over time, through middle and high school. Economist James Heckman from the University of Chicago underscores the importance of continuing investments in these strategies through the teenage years. He found that boys from high risk families with access to mentoring, adolescent literacy tutoring, and opportunities to participate in meaningful community service were far less likely to commit crimes than boys who did not receive these services or treatments.^{ix}
- They include families, schools and communities, thereby providing a web of support for youths.
- They focus both on individual development and on teaching children the social and cultural skills they need to succeed in school and in work.

The policy brief identifies and describes some of these programs, including Child-Parent Centers, Family Integrated Transition, the School Transitional Environmental Program, Multisystemic Therapy, and Gang Resistance Education and Training.

I believe it is particularly important to note the strong connection between high school completion and crime reduction. This is important because while Congress is considering spending more than \$1 billion to arrest and incarcerate more young people, it is simultaneously reducing spending on dropout prevention programs. From almost any perspective, such a tradeoff does not make sense. Leading economists from Columbia, Princeton and Queens College have estimated that increasing high school graduation rates would decrease violent crime by 20%, and property crime by 10%.

They calculate that each additional high school graduate would yield an average of \$36,500 in lifetime cost savings to the United States public. ^x

Below, I reproduce a chart found in the policy brief that estimates savings to states from averted crime costs if they increased high school graduation rates by ten percentage points. As you can see, states stand to save hundreds of millions—billions in California—of dollars from reduced crime if they invested in programs that would increase high school graduation rates.

**ESTIMATED STATE LEVEL SAVINGS FROM AVERTED CRIME COSTS
RESULTING FROM 10 PERCENTAGE POINT INCREASE IN GRADUATION
RATES FOR ALL STUDENTS**

10 States with largest grade 9 enrollment	# Grade 9 enrolled in 2000-01	10% of grade 9	Total lifetime crime cost savings for 10% grad rate improvement in one cohort	Estimated graduation rate for Class of 2004	Goal that would produce savings
California	476,142	47,614	\$1,261,771,000	68.9	78.9
Florida	238,161	23,816	\$631,124,000	53.0	63.0
Georgia	126,793	12,679	\$335,993,500	55.5	65.5
Illinois	163,806	16,381	\$434,096,500	75.0	85.0
Michigan	142,663	14,266	\$378,049,000	74.0	84.0
New York	245,311	24,531	\$650,071,500	61.4	71.4
North Carolina	111,745	11,175	\$296,137,500	63.5	73.5
Ohio	159,724	15,972	\$423,258,000	70.7	80.7
Pennsylvania	153,523	15,352	\$406,828,000	75.5	85.5
Texas	355,019	35,502	\$940,803,000	65.0	75.0

Graduation rate estimates from Christopher Swanson, "Projections of 2003-2004 High School Graduates." Source: Common Core of Data Local Educational Agency and School Surveys, National Center for Education Statistics.

Conclusion

Given all that we now know about the effectiveness of prevention over harsh punishment, as well as the heavy cost paid by youth—disproportionately youth of color—due to policies of the previous decade that have heavily tilted toward incarceration and punishment over treatment, education and interventions, it would

defy logic for Congress to spend billions of dollars to send more young people to jail for longer periods than ever before.

Today, political leaders of all persuasions, ranging from Republican Senator Sam Brownback of Kansas to Democratic Senator Jim Webb of Virginia, from former President William Clinton to Supreme Court Justice Anthony Kennedy, have acknowledged that our current punitive policies are wasteful, ineffective, and unfair. We cannot afford to continue them by imposing harsher sanctions against youths; most of whom are non-violent and participate only marginally and temporarily in gang activities, before quickly losing interest. Rather, we need to focus on intensively treating that small minority of truly dangerous young people and on providing opportunities for the rest to develop skills, talents, and interests that will make them contributing adult members of our society and that will make our communities safer. This is a critical strategy for the young people themselves, for communities, for families, and for the nation as a whole.

Thank you for this opportunity to testify on this most important matter.

ⁱ *Federal Advisory Committee on Juvenile Justice Annual Recommendations Report to the President and Congress of the United States ix* (Federal Advisory Committee on Juvenile Justice 2007), available at <http://www.facjj.org/annualreports/ccFACJJ%20Report%20508.pdf>.

ⁱⁱ <http://chbi.podconsulting.com/assets/documents/publications/NO%20MORE%20CHILDREN%20LEFT%20BEHIND.pdf>

ⁱⁱⁱ Judith Greene & Kevin Pranis, *Gang Wars: The Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies* (Justice Policy Institute Report, July 2007).

^{iv} Hayward Burns Institute. San Francisco, California.

^v Eileen Poc-Yamagata & Michael A. Jones, National Council on Crime and Delinquency, *And Justice for Some. Building Blocks for Youths*, Youth Law Center, Washington, D.C. 2000. <http://www.buildingblocksforyouth.org/justiceforsome/>

^{vi} See, e.g., Katherine Beckett, Kris Nyrop & Lori Pfingst, *Race, Drugs, and Policing: Understanding Disparities in Drug Delivery Arrests*, 44 *CRIMINOLOGY*, 105-137 (2006). Researchers attempted to explain

the racial disparities in Seattle's drug delivery arrests. The findings indicated that blacks were "significantly overrepresented among Seattle's drug delivery arrestees." This could be explained by several "organizational practices." Specifically, law enforcement focused on crack as opposed to powder cocaine offenders and placed priority on outdoor drug venues and also concentrated on heavily black areas. The "available evidence further indicates that these practices are not determined by race-neutral factors such as crime rates or community complaints." In other words, the researchers conclude: "race shapes perceptions of who and what constitutes Seattle's drug problem, as well as the organizational response to that problem."

^{vii} Stephanie Bontrager, William Bales & Ted Chiricos, *Race, Ethnicity, Treatment and the Labeling of Convicted Felons*, 43 CRIMINOLOGY 589 (2005).

^{viii} See, e.g., Ted Chiricos, Kelly Welch & Marc Gertz, *Racial Typification of Crime and Support for Punitive Measures*, 42 CRIMINOLOGY 358-390 (2004). In this study, researchers examined the extent to which people associate crime with African Americans. The "racism" that the authors noted in this study "eschews overt expressions of racial superiority and hostility but instead sponsors a broad anti-African American effect that equates African Americans with a variety of negative traits of which crime is certainly one. This study demonstrates that the equation of race and crime is a significant sponsor of the punitive attitudes that are given material substance in the extraordinary rates of incarceration now found in the United States."

^{ix} James Heckman & Dimitri Masterov, *The Productivity Argument for Investing in Young Children* (2004), available at http://www.ced.org/docs/summary/summary_heckman.pdf.

^x Henry Levin, Clive Belfield, Peter Muenig & Cecilia Rouse, *The Costs and Benefits of an Excellent Education for America's Children*, Working Paper, Teachers College, Columbia University (2006). Available online at: www.cbse.org/pages/cost-benefit-studies.php.

Mr. SCOTT. Thank you.
Now Dr. Straub?

TESTIMONY OF FRANK STRAUB, COMMISSIONER, WHITE PLAINS DEPARTMENT OF PUBLIC SAFETY, WHITE PLAINS, NY

Mr. STRAUB. Thank you, Chairman Scott and Members of the Subcommittee, for the opportunity to testify about White Plains police strategies that have reduced violent crime and gang activity, improved communication with our young people, and built trust in our neighborhoods.

In 2006, a series of violent events—a fatal stabbing in March, a fatal shooting in May, two more stabbings in September, and a shootout in the city’s largest public housing complex—brought the realities of gang violence to White Plains.

In response, the police department increased uniform patrols and stepped up enforcement in crime hot spots. Detectives identified gang leaders, arrested them and their crews. The community policing division conducted home visits, interrupting potential violence, and preventing retaliation.

Police and Youth Bureau representatives met with the African-American community and ministers in that community who demanded that the police end the violence. At the same time, they described incidents that had generated animosity and distrust between the community and the police.

There is no single response to youth violence and gang activity. Enforcement alone is insufficient. Long-term solutions require comprehensive, collaborative models that offer real alternatives, individualized services, support, and mentoring.

We partnered with the North American Family Institute to develop and implement a program to reduce youth-involved violence and improve community police relations.

The youth-police initiative brings at-risk youth and patrol officers together to discuss race, respect, street violence, and gang activity. In role playing, they learn how their actions and language can escalate street encounters, and by the end of the 2 weeks, the youth and police officers come to realize that maybe they are not that different.

Team-building exercises held outdoors in the heart of our public housing complexes generate community interest and support. For many residents, this may be the first time they have seen police officers positively engaging with youth in their neighborhood.

Step Up, another critical component of our gang reduction strategy, is based on DOJ’s Comprehensive Gang Model program. At-risk youth enter Step Up through police referrals, youth bureau outreach, and most recently, young men and women in the program have recruited their peers. Once engaged, the youth receive individualized case management to address truancy, school performance, job skills, teen parenting, substance abuse, and other issues. Among the 87 young men and women who have participated in Step Up to date, individual risk levels and negative police contacts have been reduced by the twelfth month.

The White Plains Police Department’s prisoner re-entry program, the first in Westchester County, represents a further effort to prevent violence. A multiagency team led by the police department

meets with county jail inmates 1 month prior to their release. Social service providers, religious groups, and community organizations offer employment, housing, education, mental health, and other services. The police reinforce the message that criminal activity will not be tolerated and discuss repercussions of re-offending. In 2007, the re-entry team met with 84 inmates. Only seven have been re-arrested.

The White Plains Police Department under my leadership is committed to fighting crime on all fronts. Traditional police strategies target high-rate offenders, illegal activities, and crime hot spots. The community policing division partners with the city's youth bureau and community organizations to develop and implement programs that target the factors that drive violence and gang activity.

As a result, serious crime has declined by 40 percent to the lowest level in 42 years. There has not been a homicide since the fatal shooting in May 2006.

The White Plains Police paradigm confirms that the police, through their actions, enforcement, and community building, can shape and define the factors that impact crime.

Thank you for the opportunity to testify and for your leadership regarding the youth crime aspect.

[The prepared statement of Mr. Straub follows:]

PREPARED STATEMENT OF FRANK STRAUB

**WRITTEN TESTIMONY BEFORE
THE HOUSE JUDICIARY SUBCOMMITTEE ON
CRIME, TERRORISM, AND HOMELAND SECURITY**

**REDUCING VIOLENT CRIME & BUILDING TRUST:
THE WHITE PLAINS, NY EXPERIENCE**

June 10, 2008

**Frank G. Straub, Ph.D.
Commissioner
City of White Plains, NY
Department of Public Safety**

**fstraub@ci.white-plains.ny.us
(914) 422-6350**

Thank you, Chairman Scott, and members of the Committee, for the opportunity to testify about the successful community policing strategies implemented by the City of White Plains, NY, Department of Public Safety. These strategies have reduced violent crime and gang activity, improved communication between our young people and the police, and continue to build trust in our neighborhoods. I am Frank Straub, the Commissioner of Public Safety for the City of White Plains, New York.

Introduction.

In 2000, the City of White Plains began to redevelop its downtown, replacing shuttered storefronts and vacant lots with luxury condominiums, 44-story residential and office towers, exclusive retail stores, pubs and restaurants. In seven years, the city has added more than 4,000 new residents, bringing the racially diverse urban population close to 60,000. During the day the number of workers and shoppers more than quadruples, with an estimated 250,000 people circulating on the city's streets. Downtown White Plains, like commercial districts in many cities, has rapidly become a study in contradictions, a place where the rich mingle with the poor, where a Ritz Carlton hotel is only a few blocks away from the city's public housing complexes. And like other cities, the factors that drive crime and violence – poverty, unemployment, drugs, guns and gangs - impact crime in White Plains. During the past six years, the White Plains police department has implemented a series of initiatives that have dramatically reduced serious crime and violence. However, crime statistics tell only part of the story. The other part describes how the department is using traditional and non-traditional policing strategies to disrupt street violence, assist prisoners re-enter into the community, and improve police – community relations.

Grim Facts

In many cities today, the value of maintaining “street cred” has made senseless killing and assaults legitimized responses to the most minor snubs and slights. “The

violence,” according to criminologist David Kennedy, “is much less about drugs and money than about girls, vendettas and trivial social frictions. The code of the street has reached a point in which not responding to a slight can destroy a reputation, while violence is a sure way to enhance it.”¹ Poverty, a lack of opportunity, disrupted families and hopelessness exacerbate the counterproductive street ethos that is driving a nationwide surge in youth violence. In poor and disadvantaged African-American neighborhoods homicide is ranked among the leading causes of death among young men.

A 2006 report, *A Gathering Storm: Violent Crime In America*, by the Police Executive Research Forum, underscored FBI findings that violent crime increased nationwide in 2005 and 2006, reversing the significant decreases achieved during the previous twelve years. In some cities such as Boston, Cincinnati, Cleveland, Newark, Orlando and Philadelphia, homicides had increased by 20 percent or more during that two-year period. In most cities, the majority of the homicide victims were young African-American males. The murder rate for African-Americans is more than three times the national average: 19 African-American murder victims per 100,000 people versus five for the general population. According to the U. S. Department of Justice, Bureau of Justice Statistics (2007), seventy-seven percent of African-American male homicide victims, between the ages of 17 and 29, were killed with a firearm.²

A follow-up PERF study, *Violent Crime in America: A Tale of Two Cities*, published in November 2007 reported that although some cities had begun to reverse the trend, violent crime continued to increase in other jurisdictions. The FBI’s preliminary crime report for the first six months of 2007 indicated that murder rates jumped 4.9% in

¹ Kennedy, David (2006, August 13). *The Neighborhood War Zone*. Washington Post, p. B01.

² Harrell, Erika (2007, August). *Black Victims of Violent Crime*. U.S. Department of Justice, Bureau of Justice Statistics, NCJ214258.

metropolitan counties and 3.2% in cities with 50,000 to 99,999 inhabitants, two categories that apply to White Plains.³ Of the 168 police departments surveyed by PERF, the highest ranked factor contributing to violent crime was gangs, followed by juvenile crime. According to Mayor R.T. Rybak of Minneapolis:

One of the main drivers (of crime) – certainly in our case, the main driver – was the increase in violence committed by juveniles... juveniles who had far greater access to guns, juveniles who were more willing to pull the trigger, juveniles who were less connected to traditional gangs, and were more connected to arbitrary gangs. All of that led to a much more chaotic experience out on the streets.⁴

Nearly two-thirds of the surveyed police departments tied impulsive violence to behaviors perceived as demonstrating a lack of respect (“dissing” or “disrespect” in street parlance), unemployment, poverty, and prisoner re-entry to the rise in violence.

In response to the surge in violent crime, and the public’s demand for quick, impressive action, many police departments have moved away from community policing, relying instead on traditional law enforcement strategies to fight crime.⁵ Tactical enforcement teams, “stop and frisk” initiatives, neighborhood sweeps, gang injunctions⁶, and public housing “bar outs”⁷ have been used to target and reduce violent crime. In times of “crisis,” police and political leaders have declared “crime emergencies” increasing patrols in hard-hit neighborhoods, establishing curfews and cordoning off neighborhoods to create “safe zones.” Closed circuit camera networks, gun shot detection and location systems, facial and pattern recognition technologies have vastly expanded

³ Federal Bureau of Investigation (2008, January 7). *Crime in the United States: Preliminary Semiannual Uniform Crime Report, January – June*. Retrieved from <http://fbi.gov/ucr/prelim2007/index.html>

⁴ Police Executive Research Forum (2007, November). *Violent Crime in America: “A Tale of Two Cities.”* p. 11.

⁵ For example, see Buntin, John (2008, June). *Epidemic*. *Governing*, vol. 21, no. 9, pps 24-30.

⁶ A gang injunction is a court order that prohibits alleged gang members and their associates from doing certain things, including associating with one another, loitering and other activities, within a defined area or neighborhood.

⁷ A “no-trespass” policy used by public housing authorities to reduce drug activity and other crimes.

surveillance capabilities and created police omnipresence. This has created tensions between the police and law abiding citizens residing in some minority communities.

Police Do Matter

Police executives must take the lead in reducing street violence as well as shaping the broader social context through non-traditional community policing strategies that work to restore stability in our hardest hit neighborhoods. In a 2001 Civic Report, *Do Police Matter? An Analysis of the Impact of New York City's Police Reforms*, prepared for the Center for Civic Innovation at the Manhattan Institute, criminologists George L. Kelling and William H. Sousa, Jr. wrote:

We have no doubt that in some neighborhoods, changing drug use patterns and family values have had an important impact on local crime reduction. Likewise, in some neighborhoods, the number of youth can have an impact on level of crime. Indeed, all of those factors that can have an impact on crime—demographics, drug use patterns, imprisonment rates, prosecutorial and court policies, weapon availability, and so on—can and do have an impact on crime levels. But the strength and direction of their impacts is always dependent on the local context—*and police, by their activities, can help shape that strength and direction* (emphasis added).⁸

As Kelling and Sousa convey, the police matter and the impact local police leadership can have on community issues cannot be understated. However, traditional policing strategies alone are not solving the problems that confront the hardest hit neighborhoods. As a result of our nation's "war on crime," a staggering 2.3 million people are now incarcerated in the United States, according to the Pew Center on the States report, *One in 100: Behind Bars in America 2008*, and about 5 million citizens are on probation and/or parole. More than 1 in every 100 adults is confined in an American jail or prison. For some demographic groups, the incarceration numbers are especially

⁸ Kelling, George L. and William H. Sousa (2001, December). *Do Police Matter? An Analysis of the Impact of New York City's Police Reforms*. New York: Center for Civic Innovation at the Manhattan Institute, Civic Report No. 22, p. 19.

startling. While one in thirty men between the ages of 20 and 34 is behind bars, for African-American males in that age group the number is 1 in 9. In the poorest communities, as many as 20% of adult men are locked up on any given day, and there is hardly a family without a father, son, brother, or uncle who has not been incarcerated. Gender adds another dimension to the equation. Although men still are roughly 10 times more likely to go to jail or prison, the female incarcerated population is burgeoning at a brisker pace. For African-American women in their mid to late 30's, the incarceration rate has also hit the 1 in 100 mark.

The strong emphasis on "law and order," with the resulting increase in incarceration has torn a hole in our social fabric. Incarceration breaks up families and disrupts social networks, deprives siblings, spouses and parents of emotional and financial support, and ruins opportunities for young people to finish school and get jobs. People released from jails and prisons find it difficult to reintegrate into their communities. They are virtually unemployable, find it difficult to secure adequate housing, and suffer from a lack of medical, mental health, and drug treatment services. A street culture has been created, among young African-American men in which serving time in prison is normal and even valued. According to National Public Radio correspondent and political analyst Juan Williams, "in some neighborhoods ... going to jail becomes a rite of passage for a young male to prove himself."⁹ Even more worrying, is the sense of hopelessness experienced by young men in our hardest hit African-American neighborhoods, many of whom believe their lives will end in prison or violently on the street.

⁹ Williams, Juan (2006). *Enough: The phony leaders, dead-end movements, and the culture of failure that are undermining Black America – and what we can do about it*. New York: Three Rivers Press, p. 121.

Communities of color suffer from the imposition of aggressive and indiscriminate police tactics as well as from the failure of such tactics to bring peace and stability to their neighborhoods. Stepped-up enforcement of public ordinances and the use of aggressive stop and frisk tactics can increase tension between the police and minority communities which view such tactics as intrusive, oppressive, misguided and frequently based on racial profiling if they are not implemented appropriately and monitored closely. The *broken windows* theory, advanced by Wilson and Kelling (1982), in which the police and the community bring order to public places by addressing quality of life issues, has morphed into a *zero-tolerance* strategy in which the police use fines, arrests and incarceration to rid neighborhoods of problem persons, frequently disorderly or inebriated people, rowdy groups of teens, or the homeless.

In some cities overly aggressive policing has reduced police credibility, particularly in those neighborhoods that need police services the most. Although curfews and “sweeps” are intended to reduce crime and drug activity, the indiscriminate use of these, and other aggressive police tactics in communities of color has created and/or reinforced distrust of the police. According to Elijah Anderson, a Yale professor and author of *Code of the Street*:

In the community the police are often on the street, but they are not always considered to have the community’s best interest at heart. A great many residents have little trust in the police. Many assume that the police hold the black community in low repute and sometimes will abuse its members...With this attitude many people are afraid to report obvious drug dealing or other crimes to the police, for fear that the police might reveal their names and addresses to the criminals.¹⁰

¹⁰ Anderson, Elijah (1999), *Code of the Street: Decency, Violence and the Moral Life of the Inner City*. New York: W.W. Norton & Company, p. 320.

Although it appears that fostering a sense of trust in the police is difficult in disadvantaged neighborhoods, *difficult* does not mean *impossible*. When citizens believe they have been treated fairly and with respect, they tend to grant more legitimacy to the police and are more likely to engage with them in solving issues that threaten neighborhood stability. If police departments hope to move forward, build and sustain community trust and confidence, as well as build legitimacy, they must admit that their preoccupation with fighting the “war on crime” has done exactly the opposite - undermined their legitimacy in communities of color and eroded many of the gains realized through community policing.

The White Plains Paradigm

In 2006 a series of violent events - a gang-related fatal stabbing in March, a fatal shooting in May, two more youth-involved stabbings in September, as well as a “shoot out” in Winbrook, the city’s largest public housing complex brought the realities of street violence to White Plains. All of the events occurred in and around the city’s public housing complexes except for the September stabbing which occurred in the heart of downtown, a few blocks from a new luxury condominium and entertainment complex. The events were driven by street disputes – wearing gang “colors” in the wrong neighborhood, retaliation for a robbery, a fight over girls, stares and an exchange of words as two groups of young people faced off in the heart of downtown. And although crime had dropped significantly since 2002, the community and the media called for an immediate police response to end the violence and restore order in the city’s downtown.

The police department increased foot, bike, mounted and motorcycle patrols in the downtown. The Neighborhood Conditions Unit stepped up quality of life enforcement

in crime hot spots and in the city's public housing complexes. The Intelligence Unit identified and focused on high-risk offenders and their "crews." Detectives arrested gang members at the same time the Community Policing Division began conducting home visits to interrupt potential violence. Representatives from the police department and the city's Youth Bureau met with members of the community, activists and black ministers who expressed concern regarding the increased gang activity, violence, conflicts downtown and in public housing. The meetings were very challenging. Community members demanded that the police department take action at the same time they angrily described conflicts with the police and past incidents that generated animosity and distrust in the African-American community.

Following the meetings, the police department and the city's youth bureau partnered with the North American Family Institute (NAFI)¹¹, a Massachusetts-based social service organization, to develop and implement a program to reduce violence among the city's youth and improve community – police relations. NAFI was selected, in part, because it had developed successful programs to improve relations between recruit police officers assigned to patrol inner city neighborhoods in Baltimore and Boston and the community.

The first White Plains session of the Youth-Police Initiative (YPI) brought young African-American men from Winbrook and police officers assigned to the neighborhood conditions unit (NCU) together to discuss the recent violence, gang activity, and youth-police interactions. NCU officers were purposely selected because their assignments in public housing complexes and downtown frequently placed them in "conflict-prone"

¹¹ Additional information concerning the North American Family Institute can be found at: <http://www.nafi.com>

situations with the young men. In subsequent training sessions, recruit officers participated as part of their field training, and other sessions matched police officers assigned to neighborhood “hot zones” and the young men and women who lived there.

Through structured presentations, group learning, and problem-solving activities the youth and police officers explore and discuss their values, attitudes and feelings about race, violence, respect, and policing. They also discuss the choices they’ve made and the effect those choices have had on their lives. As the stories unfold, the youth and police officers frequently find out that they are not that different. For example, during a recent session, the first with young women, a female officer discussed her teenage pregnancy, her relationship with her mother, run-ins with the police and the experience of being arrested. She discussed how she hated the police as a teenager and believed they picked on her because she was Hispanic. She also told the young women that after she became an emergency medical technician, she saw police officers helping people who really needed their help, and eventually decided to become a police officer.

A series of role-playing exercises, developed by the participants, provide an opportunity to see how the actions and language of the youth and police officers can escalate street interactions. De-escalation techniques are discussed and practiced to build effective communication and to resolve highly charged incidents. The goal is to get the cops and the kids to drop the warrior mentality, stop “dissing” each other, and build mutual respect.

Team building exercises are intentionally held outdoors, in the heart of Winbrook and other public housing complexes, so the residents can see them occurring. This very public demonstration of youth – police interaction has generated significant interest,

curiosity, and favorable responses from the residents. For many, this may be the first time they've seen the police engaged in positive interactions with the young men and women who live in the neighborhood. Additionally, the team building exercises create opportunities to discuss the program with the residents as well as more general police-community issues. The publicly held team building exercises have sent a clear message that the department is trying to improve relations with the community.

The final YPI event is a celebration dinner for the participants, the young men and women's families, political and religious leaders, and community members to recognize the participants and their success in completing the program. During the dinner, each of the participants discussed their experiences during the training as well as their plans to continue building effective relationships. At the first dinner about fifty people attended, including the participants. At the fourth dinner, held in April 2008, over two hundred people attended and support for the program continues to build among the city's community, religious and political leaders.

There is no single response to youth violence and gang involvement. Long term solutions require comprehensive, collaborative responses that offer real alternatives, individualized services, support and mentoring. The youth bureau's Step Up program, based on the Office of Juvenile Justice Delinquency Prevention's Comprehensive Gang Model Program¹², is a critical component of the city's efforts to combat gang activity and

¹² The OJJDP Comprehensive Gang Model focuses primarily on youth gang members or at-risk youth less than 22 years of age. The model holds that the lack of social opportunities available to this population and the degree of social disorganization present in a community largely account for its youth gang problem. The model is based on five strategies – community mobilization, opportunities provision, social intervention, suppression, and organizational change and development.

Step-Up is coordinated by a steering committee comprised of the Department of Public Safety, Youth Bureau, School District, the White Plains Community that Cares Coalition, faith-based institutions, parents and youth. Opportunities are provided through the Youth-Police Initiative and outreach/case management. A direct intervention team consisting of the outreach/case manager, police, probation, school

street violence. At-risk or gang-involved youth come into the program in one of three ways. Police officers refer youth to Step Up as an alternative to incarceration, or as part of the department's prisoner re-entry program. Youth Bureau outreach workers identify youth in neighborhood hot zones. And most recently, some of the young men and women participating in Step Up have recruited their friends. Once engaged, the young men and women receive individualized case management and wrap-around services to address personal issues such as truancy, poor school performance, unemployment, fatherhood/motherhood, drug and alcohol addiction.

The "success" of the Step Up model is evaluated from two perspectives. The first perspective concerns whether the young men and women reduce their risk level as determined by a case worker. Risk is assessed in the following areas – family functioning, substance abuse (family or self), peer relationships (including gang affiliation), academic performance, school behavioral incidents, clarity and substance of achievable secondary education and/or career goals, and the stability of housing. Once the risk level is determined an individualized plan is created that includes specific strategies to reduce the highest 2-3 risk areas. Early evaluation of Step Up indicates that individual risk levels have been significantly reduced and sustained over time, across all areas, by the 12th month of participation.

The second perspective explores whether the number of negative police contacts increases or decreases while the young men and women are engaged in Step Up and once they have completed it. Among the 87 young men and women who have participated to date, there has been a significant decrease in the number of negative police contacts. Prior

representatives and others assist participating youth. Suppression of gang activity is provided by the Steering Committee partners as well as the promotion of organizational change to reduce gang involvement.

to entering Step Up, the 87 youth averaged 3.3 negative police contacts, while participating in the program the number dropped to 0.7 contacts, and upon completion, the number decreased to 0.1 negative police contacts.

The following stories describe the impact that Step Up and the youth police initiative have had on two of the young men who participated in the programs:

Derrick

Derrick, a nineteen year old African-American male who lives in the Winbrook housing complex, was recruited to participate in the Step Up program by a youth bureau outreach worker. At that time, Derrick, whose nickname was D Eagle, derived from the semi-automatic pistol, Desert Eagle, was identifying with a local Blood set, wearing red clothing, and flying a gang bandana from his back pocket. Derrick was one of the youth involved in the gang-related fatal stabbing, was arrested and charged with gang assault.

While in jail and upon his release, a Step Up case manager worked with Derrick to find him a job and he was subsequently hired by the youth bureau to staff the teen lounge and gym. Currently, the case manager is working with him to help him earn his GED, so he can apply to college. Derrick participated in the youth-police initiative. He is no longer gang involved.

Jonathan

Jonathan is a twenty year old African-American male from the Winbrook housing project. He had a history of dropping out of school, selling drugs and stealing. As a result, he was barred out of the housing project. In 2006, he attended a YPI celebration dinner to “check it out.” Wearing a “hoody,” he and a couple of members of his crew sat in the corner and watched the event. He subsequently became involved in the youth bureau’s basketball program and was recruited to Step Up. He received financial assistance, enrolled in, and was accepted by a community college. He will receive his GED and start earning college credits.

Although there is limited scholarly research regarding the impact of positive youth-police engagement, the youth-police initiative and Step Up, although relatively new, have decreased negative youth-police contacts, helped reduce violence, and provided a first step to solving broader police-community problems in White Plains.

Derrick's story is illustrative of the successes being achieved through the police department's prisoner re-entry program. The prisoner re-entry program, the first in Westchester County, assists individuals leaving the County Jail and returning to the White Plains community. Every month, a multi-discipline team led by the White Plains police department, meets with inmates selected to participate in the re-entry initiative. The team members, representing social service, not-for-profit, religious and other organizations, discuss the resources they can provide to the inmates - employment, housing, education, mental health, AIDS counseling and support, fatherhood and/or motherhood education upon their return to the community. The police department informs the inmates that they must change the behavior that led to their incarceration, and the probation department explains the repercussions of future offending. The team conveys a unified message that the White Plains community is aware of the inmate's pending release, that the community is concerned for them, and will assist them in leading productive lives, however, future offending will not be tolerated. In 2007, the re-entry team met with eighty-four inmates in the County Jail. To date, only seven of the inmates who participated in the re-entry program were re-arrested for any offense upon their return to the White Plains community.

Six years ago, the White Plains police department committed to a policing paradigm that would fight crime on all fronts. On one front, the department uses traditional strategies to target high-rate offenders, their illegal activities, and neighborhood hot spots. On the other, the department's community policing division has taken the lead in developing and implementing non-traditional programs to target the factors that drive crime and violence. During the past six years serious crime has declined

by 40% to the lowest level in 42 years. There has not been a homicide in the city since May 2006, and serious crime continues to fall in 2008. In January 2007, the editorial board of the Journal News, Westchester County's largest newspaper wrote:

After ... a series of worrisome crimes last fall, the police didn't get defensive, they got to work. They and their commissioner seem determined to face and prevent crime in the city – not let it define it.

(The) police have put additional emphasis on what matters to average people... The department is involved in the "Step Up" program, a multi-agency effort to open up mentoring and job opportunities for at-risk youth. And it is committed to keeping police foot and car patrols highly visible.¹³

The White Plains police department did not let a series of violent incidents define the city or allow gang activity to take hold. The police department took the lead, adopting a strong approach to end the violence and built effective and sustained police-community-other government agency partnerships during the past six years. In the end, the White Plains policing paradigm confirms that the police matter and that by their actions, enforcement and community building, they can shape and define the factors that impact crime in the local context.

¹³ The Editorial Board (2007, January 13). *Against the Grain on Crime: White Plains Police, Citizens Deserve Kudos*. The Journal News, p. 6B

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Mr. SCOTT. Thank you.
Major Buckovich?

**TESTIMONY OF MAJOR JOHN BUCKOVICH,
RICHMOND POLICE DEPARTMENT, RICHMOND, VA**

Mr. BUCKOVICH. Chairman Scott and Members of the Committee, in response to the rise of violence and gang activity, the Richmond Police Department has——

Mr. SCOTT. Could you pull the mic a little bit closer?

Mr. BUCKOVICH. Is that better?

Mr. SCOTT. Yes, I think so.

Mr. BUCKOVICH. The Richmond Police Department has sought to develop a focused and comprehensive violent crime and gang strategy which addresses the systemic enablers of the crime and that will create lasting partnerships with the community and our local and Federal law enforcement partners. The key to this focused strategy is accountability on all levels of our organization as well as from community members and our law enforcement partners.

Two important factors in our violent crime and gang strategy which have produced significant results are our Gang Reduction Intervention Program, GRIP, and the Cooperative Violence Reduction Program, known as CVRP.

In 2004, the City of Richmond was awarded a Federal grant to combat gang violence and the influence of gangs on youth and our community. GRIP is funded through a grant from the U.S. Department of Justice.

GRIP has four categories, one being prevention, primary and secondary. Prevention includes a wide variety of activities that focus on the entire population in high-crime, high-risk communities, and the primary prevention strategy for GRIP centers around providing a single one-stop service and resource center that facilitates effective distribution of services.

Another part of GRIP is intervention. GRIP incorporates aggressive outreach and recruitment efforts that are needed to ensure that these high-risk individuals and their families receive needed services.

Another part of our GRIP strategy is directed at suppression and re-entry. Where prevention and intervention fail, gang leaders are identified and targeted for aggressive suppression efforts. Re-entry targets serious and gang-involved offenders who face multiple challenges to re-entering their community.

Examples of some of the partnerships and programs under our GRIP initiative include a one-stop resource center, after-school programs, truancy and dropout prevention, gang awareness training for both our officers and the community, and directed police patrol in the targeted neighborhoods.

The centerpiece of GRIP has been its partnership with so many outstanding organizations, departments, and citizens.

Crime reduction in the targeted communities in 2007 showed a reduction of 25 percent of robbery of businesses, 20 percent reduction of robbery of individuals, and a 12 percent reduction in aggravated assaults.

In 2008, we continued on the reductions over the 2007 reductions. Robbery of businesses have been reduced by 71 percent; rob-

bery of individuals, by 36 percent; and aggravated assaults, by 31 percent.

To increase communication and coordination of efforts between the Richmond Police Department and our Federal partners, the Cooperative Violence Reduction Program was formed in May of 2005. Member organizations of CVRP include the Richmond Police Department, Richmond Commonwealth's Attorney's Office, Attorney General of Virginia, United States Attorney—Eastern District of Virginia, the Virginia State Police, ATF, FBI, DEA, and the Virginia Department of Corrections' Probation and Parole.

The CVRP utilizes an intelligence-driven approach to identify the most violent neighborhoods and offenders in the City of Richmond and then deploy the combined resources of the CVRP partners to interdict, suppress, and prevent violent crime. The CVRP is a multipronged approach to reducing the historically high rate of violent crime in the City of Richmond.

The five prongs that are associated with our CVRP approach are: homicide and violent crime prevention, this is designed to gather intelligence, identify neighborhoods and target habitual offenders using the collective resources of member agencies; homicide and violent crime deterrence, which is based on the Boston approach of pulling levers; homicide and violent crime intervention, which in GRIP is our centerpiece for this portion of the CRVP; and homicide and violent crime investigation, this prong includes maintaining a fully staffed, centralized, homicide and gang unit within the RPD consisting primarily of the most experienced detectives; and, finally, homicide and violent crime prosecution, our sector prosecutors, this fifth and final prong emphasizes the role the prosecutors play through their partnership with not only police, but with also the community. Community prosecution is achieved in Richmond by integrating designated prosecutors into each of our 12 police sectors.

The collaborative efforts of GRIP and CRVP, along with a focused sector approach to policing, which not only addresses violent crime and gangs, but the systemic enablers of crime, have produced significant results in decreases in violent crime in the City of Richmond. In 2006, violent crime was reduced by 14 percent; in 2007, violent crime in the City of Richmond was reduced by 10 percent; and year to date, we are at a 24 percent reduction in violent crime.

Homicide decreased from 86 in 2005 to 55 homicides in 2007, which was the lowest rate of homicide since 1981. Currently, we are on track to meet or go below the 2007 numbers.

The Richmond Police Department continues to review and evaluate its methodology and tactics, endeavoring to remain flexible and responsive to changing crime trends and patterns.

Thank you.

[The prepared statement of Mr. Buckovich follows:]

PREPARED STATEMENT OF JOHN BUCKOVICH

Major John Buckovich

Richmond Police Department

June 10, 2008

During the past decade concerns about the violence associated with guns, drugs, and gangs have led communities across the United States to seek new solutions to combat gang violence. Richmond has not been immune to these concerns. Many factors impact the rise of gangs and violent crime in our community, including a lack of educational and job opportunities, conflicts resolved by violence, lack of coordination among law enforcement agencies and the availability of drugs and guns. The Richmond Police Department has sought to develop a focused and comprehensive violent crime and gang strategy which addresses the systemic enablers of crime and that will create lasting partnerships with the community and local and federal law enforcement partners.

Gang Reduction and Intervention Program - GRIP

Virginia has not been immune to the growing gang culture that has gripped the nation, and officials in the Commonwealth began formally tracking gang activity in 1992. The results of three Virginia State Police surveys, conducted from 1992 to 1994, indicate the presence of gangs throughout Virginia, with the greatest concentrations in urban areas. Survey results also indicate that gang activity was "transplanted" when gang members moved or sought new market expansions. This finding has implications concerning the containment and elimination of gangs, rather than the simple removal of gangs from a community.

In Richmond many of the individuals who are participating in violent crimes belong to an organized local group or a loosely associated gang, often called "Boys" or "Crews." The members of the "Boys" are often associated through criminal business dealings, familial ties, or geographic territorial ties.

In 2004 the City of Richmond was awarded a federal grant to combat gang violence and the influence of gangs on youth and our communities. GRIP is funded through a grant from the U.S. Department of Justice, Office of Justice Programs ("OJP"), Office of Juvenile Justice and Delinquency Prevention ("OJJDP"). The purpose of the grant is to significantly reduce gang activity in targeted neighborhoods through the integration of local, state and federal resources and utilizing the GRIP grant to fill gaps in existing services. OJJDP selected four pilot cities to receive this grant: Richmond, Virginia; Los Angeles, CA; Milwaukee, WI; and North Miami Beach, FL. Each site was awarded a grant in the amount of \$2.5 million dollars.

Richmond's program is administered by the Virginia Office of the Attorney General (OAG) and is a collaborative effort between the City of Richmond ("Richmond"), and federal, state and local partners focusing on targeted communities. The grant is limited to this geographic area which was chosen due to existing program investment, strong indicators of citizen involvement, high crime and gang activity.

GRIP features the following elements:

- Integration of local, state and federal resources to stabilize and build pro-social influences and reduce anti-social influences in challenged communities.
- Identification and coordination of existing resources, programs and services that address known risk factors in the community, and identification of gaps in existing activities.
- Application of state-of-the-art practices in primary prevention, secondary prevention, gang intervention, suppression and reentry to enhance existing activities and fill gaps across the full range of risk factors for delinquency and across the broadest possible age range.

The four broad program categories are:

Primary Prevention Primary prevention includes a wide variety of activities that focus on the entire population in high-crime, high-risk communities. Programs that effectively reduce community risk factors or provide protective factors for community members are considered primary prevention. The primary prevention strategy for GRIP centers around providing a single one-stop service and resource center that facilitates effective distribution of services.

Primary Prevention

- Targets entire population in high-crime, high-risk areas
- Encompasses programs that address risk and protective factors
- Key component is a one-stop service and resource center
- Includes prenatal and infancy support, after school and summer programs, and truancy and drop out prevention

Secondary Prevention It is essential to identify high-risk youth and provide focused services to avoid a pattern of increasing anti-social behavior. OJJDP-funded longitudinal research has found that serious, chronic offenders typically express their early problem behaviors at about age 7, with more serious problem behaviors occurring in subsequent years until first contact with the juvenile court at an average age of 14.5 years. The 7.5 years between the onset of early problem behaviors and court contact mark a window of opportunity to help these youth avoid a path of serious delinquency and gang involvement.

Secondary Prevention

- Identifies youth and children at high risk and provides services to prevent delinquency and gang involvement. Window of opportunity from ages 7 to 14
- Identifies other at-risk children and provides age-appropriate services and monitoring
- Involves schools, community-based organizations, and faith-based groups

Intervention Active gang members, gang members returning to the community from confinement, and youth closely associated with active gang members often have committed one or more serious offenses and are at high risk of further delinquency. These youth typically range in age from the early teens to the early twenties and are often on probation or parole. However, some will not be involved with the justice system and most will be resistant to traditional services. GRIP incorporates aggressive outreach and recruitment efforts that are needed to ensure that these high-risk individuals and their families receive needed services. Gang-involved youth are identified and referred to an intervention team composed of professionals from multiple sources such as probation, law enforcement, schools, mental health services, child protective services, community and faith-based organizations. This intervention team conducts risk and needs assessments for youth and develops an intervention plan that includes family members and blends services and opportunities with close monitoring and accountability. Because these youth are at the highest risk for involvement with gangs, intervention activities are likely to include individualized services, monitoring, and case management with outreach to family members over extended periods of time. Examples of services include help with educational and job opportunities, and meeting conditions of probation such as community service or drug treatment. The nature of the target population makes gang intervention difficult and potentially dangerous; therefore, it requires careful planning and coordination. However, the benefits of gang intervention become evident when serious offenders discontinue offending and no longer serve as negative role models for other youth in the community.

Intervention:

- Targets active gang members, close associates, and gang members returning from confinement
- Requires aggressive outreach, ongoing recruitment, and careful planning and coordination
- Multidisciplinary intervention team provides risk and needs assessment, intervention planning, and monitoring

Direct Gang Suppression and Reentry Where prevention and intervention fail, gang leaders are identified and targeted for an aggressive suppression efforts. Where appropriate, enhanced sentences, and federal charges are used to effectively remove the most dangerous and influential gang members from the community. Gang suppression is a cooperative effort incorporating federal, state, and local law enforcement and using federal gun, drug, and RICO laws where appropriate. For less serious offenders, a system of graduated sanctions (including community-based sanctions) will be developed to hold all offenders accountable and to match offenses with comparable sanctions.

Suppression

- Targets gang leaders for aggressive suppression
- Involves federal, state, and local law enforcement where appropriate
- Removes dangerous and influential gang members from the community by effective use of enhanced sentences, federal charges, and vertical prosecution
- Develops a system of graduated sanctions (including community-based measures) for less serious offenders

Reentry (Community-based)

- Targets serious and gang-involved offenders who face multiple challenges to reentering their communities
- Provides appropriate services and criminal/juvenile justice supervision
- Requires information sharing and coordination between confinement facilities, probation/parole, and community intervention service providers

The Richmond Police Department has developed partnerships with numerous public and private organizations through our relationship with GRIP. These partnerships include:

One Stop Resource Center: The GRIP One Stop celebrated its one year anniversary at its current location on March 26th. This location is for service providers to use to provide services directly to the community. It is also serves as a meeting location.

GRIP Intervention Team: GRIP Intervention Team consists of a highly dedicated team and outreach worker. Agencies which have participants participating on the Intervention Team include the Virginia Attorney General's Office, the Richmond Police Department, Adult and Juvenile Probation, Richmond Public Schools, Social Service Agencies, Truancy, Mental Health, Richmond Commonwealth's Attorney's Office, as well as a variety of other agencies. This team receives referrals of gang-involved youth for review.

After School Programs: GRIP has funded four different after school programs in the target area. GRIP funded the Boys & Girls Clubs located at Southwood and Southside by providing funding for extended hours and bilingual staff. Boys & Girls Club has agreed to sustain their extended hours as a result of this funding. GRIP provided funding to the

Richmond Outreach Center to assist with fuel costs for buses to go into the target area and bring kids back to the ROC for after school programs. The ROC continues to provide this service even after the funding period has expired. GRIP funded the Broad Rock Library's Homework Help Program for two years. Youth can go to the Broad Rock Library to obtain help from certified teachers with homework and special assignments.

Class Action Camp: Richmond Police Officers and staff from the Attorney General's Office work with City youth to provide them with a law-related curriculum in a camp style setting.

Truancy and Drop Out Prevention: GRIP has provided funding to the Richmond Police Department to identify and assess truant students and coordinate a delivery of services to prevent further absences. It is important to focus on truancy and drop out prevention as truancy is often the first sign of trouble in a youth's life.

Gang Awareness Training: GRIP contracted with the Virginia Gang Investigators Association to provide training for service providers, community residents, criminal justice providers, parents, school resource officers, teachers and staff.

Community Role Models/Mentors for Gang Members: GRIP entered into contract with the Richmond Police Department to provide employability skills training, internship opportunities, soccer league, National Night Out event, and SHOP with a Cop.

Richmond Police Department Training and Equipment: GRIP has provided funding for training and equipment for RPD. Equipment requests were related to suppression efforts in the target area. Officers received training through the National Youth Gang Center at their annual training event, as well as additional training opportunities.

Intelligence Sharing: GRIP purchased needed software for the enhancement of interagency intelligence sharing.

Directed Patrol: GRIP funded overtime hours for police patrol to be used during peak crime hours and on special projects with the goal of decreasing crime in the target area. Crime reductions have been noted during all funded periods.

Neighborhood Teams/Neighborhood Watch Programs: GRIP provided funds to the Richmond Police Department to enhance or start new neighborhood watch programs.

School Resource Officers (SRO's): Six school resource officers were funded through a grant opportunity made available through GRIP. In addition, Richmond Police Department received funding to sending SROs for specialized training.

Project Exile: GRIP provided public awareness information in the GRIP target area on Project Exile through the use of billboards.

Richmond Area Crime Stoppers: GRIP assisted with funding to make Crime Stoppers available in Spanish.

Crime Data Review: GRIP provided needed funding for collection of crime data to determine changes in the targeted community, a displacement area and a comparison area for purposes of grant evaluation.

Residential Programs: GRIP provided funding to Boaz & Ruth and New Life for Youth to provide residential programs to reentering offenders.

The centerpiece of GRIP has been its partnership with many outstanding organizations, departments and citizens. It is this collaborative partnership that has allowed the Richmond Police department to significantly reduce violent crime and gang activity. The GRIP target neighborhoods experienced substantial reductions in violent crime in 2007:

Robbery of Business	-25%
Robbery of Individuals	-20%
Aggravated Assaults	-12%

The target neighborhoods continue to experience decreases in violent crime for 2008 over the decreases in 2007

Robbery of Business	-71%
Robbery of Individuals	-36%
Aggravated Assaults	-31%

Cooperative Violence Reduction Partnership - CVRP

To increase communication and coordination of efforts between the Richmond Police Department and our federal partners, the Cooperative Violence Reduction Partnership (CVRP) was formed in May, 2005. Member organizations include Richmond Police Department, Richmond Commonwealth's Attorney Office, Attorney General of Virginia, United States Attorney, Eastern District of Virginia, Virginia State Police, ATF, FBI, DEA, Virginia Department of Corrections, Probation and Parole District One, United States Marshal, Eastern District and the Richmond Redevelopment and Housing Authority Police Department.

The CVRP is designed to reduce violence in Richmond neighborhoods and improve the quality of life for the city as a whole. The CVRP utilizes an intelligence-driven approach to identify the most violent neighborhoods and offenders in the City of Richmond and then deploy the combined resources of the CVRP partners to interdict, suppress and prevent violent crime.

The CVRP is a multi-pronged approach to reducing the historically high rate of violent crime in the City of Richmond. It does not consist of one or even a few "solutions" but many distinctly different solutions in each prong. Together, the five prongs and the respective specific solutions under each prong are effective in reducing violent crime.

Homicide and Violent Crime Prevention

This prong is designed to gather intelligence, identify neighborhoods, and target habitual offenders using the collective resources of the member agencies. The team members develop specific short-term and long-term strategies and tactics (both covert and overt) to enforce the law and prevent homicide and violent crime.

Homicide and Violent Crime Deterrence

At the core of this prong is a successful approach pioneered in Boston to address violent criminal activity among serious young offenders. The approach, "Pulling Levers," is a focused deterrence strategy, designed to influence the behavior and environment of groups of chronic offenders identified as being at the core of the city's violence problem. This prong in Richmond includes the "Call-In" Program. The Call-In Program holds individuals accountable for their actions and requires them to closely monitor their community to ensure that violent acts are not tolerated. Law enforcement officials pay particular attention to individuals under court supervision who reside or associate in areas where there is a particularly high level of violence or where specific violent crimes have been committed.

This new approach focuses on individuals who are capable of positively impacting their community by ensuring that violent crimes are not tolerated. This innovative program sends a clear message to the participants that the violence in the City must end. An identified group of state probationers and parolees on supervised release from around the City are "called in" to report to Probation and Parole officials who take them to federal court. When they arrive, they appear before a federal judge and the directors of local, state, and federal law enforcement agencies. The participants receive a message that they must not commit acts of violence and that they must take the message back to their associates. Law enforcement promises to dedicate its resources to "taking down" violent criminal groups if violence acts continue - a promise which this law enforcement team is capable of keeping. After the law enforcement message, the law enforcement partners leave the courtroom.

The Call-In participants are then offered a number of services and programs. They are presented with a variety of options for obtaining training, life skills, and counseling. The participants are offered a unique opportunity to benefit from government and private service providers in an effort to turn their lives around. Probation officers and counselors tailor service plans to the needs of the individuals in a user-friendly manner. Services are offered as part of a customized plan and may include substance abuse counseling, job training, housing assistance, and educational opportunities.

Richmond's recently enhanced features of the program include monthly Call-In meetings with the participants, each of whom is assigned a law enforcement partner (RPD, ATF) and probation officer to assist with their service plan and evaluate their progress. As a condition of probation, the probationer agrees to participate in certain service programs and achieve certain goals.

Homicide and Violent Crime Intervention

This prong includes interventions for the serious adult and high risk juvenile offenders identified in the deterrence prong. Those individuals who decide to become productive, law-abiding members of society will be offered the opportunity to realize the benefits of certain nontraditional programs in the Richmond area. Through GRIP, gang-involved youth are identified and referred to an intervention team composed of professionals from multiple sources such as probation, law enforcement, schools, mental health services, child protective services, community, and faith based organizations. This intervention team conducts risk and needs assessments for youth and develops an intervention plan that includes family members and blends services and opportunities with close monitoring and accountability.

Homicide and Violent Crime Investigation

This prong draws upon the experiences and the procedures of all the partners in the CVRP. It is critical that the member agencies be adequately staffed, trained, equipped, and guided by procedures to investigate violent crime.

Specifically, this prong included the following:

- Improving the quality of investigations of violent crime
- Reviewing all protocols associated with investigations
- Reviewing and revising protocols for the sharing of intelligence information and analytical resources
- Maintaining a fully staffed centralized homicide unit within RPD consisting primarily of the most experienced detectives
- Enhancing case management
- Conducting internal and external training coordinated between the member agencies;
- Maximizing witness security
- Participating in interagency investigations directly or collaterally related
- Improving inter-agency and intra-agency communication

Homicide and Violent Crime Prosecution

This fifth and final prong emphasizes the role that prosecutors play in the plan through their partnerships with not only police but also the community. Community prosecution, achieved in Richmond by integrating designated prosecutors into each of Richmond's 12

Police sectors, is generally defined as a grass-roots approach to justice, involving citizens, law enforcement, and other government agencies in problem-solving efforts to address the safety concerns of the local jurisdiction. This coordinated effort differs from other prosecution models primarily because of the emphasis on community involvement in identifying crime and related problems, as well as in the formulation of solutions. At community prosecution's core are five operational elements:

- A proactive approach to crime
- A defined target area
- An emphasis on problem-solving, public safety, and quality of life issues
- Partnerships between the prosecutor, the community, law enforcement, and others to address crime and disorder; and
- Use of varied enforcement methods

This prong also includes:

- Enhanced prosecution under existing statutes
- An interagency prosecutor/investigator team approach to homicides and violent crimes
- Regularly scheduled training for officers and investigators conducted by designated

Violent Crime Investigation Training Coordinators within both the Richmond Commonwealth's Attorney's Office and the Office of the United States Attorney (OUSA) focusing on problem areas in homicide and violent crime cases, search and seizure, interrogation, and evidentiary issues.

CVRP has worked to enhance communication and cooperation among federal, state, and local partner law enforcement agencies working together to reduce violent crime in the City of Richmond. Through this enhanced communication, this innovative approach has resulted in the reduction of violent crime.

Violent Crime Impact Teams VCIT

In June 2004, the Department of Justice (DOJ) and the ATF announced the deployment of Violent Crime Impact Teams (VCIT) in 15 cities. Richmond, Virginia was chosen as one of the pilot cities for this initiative. The Richmond VCIT became fully operational in June 2005, although parts of it were in existence in the early part of 2005.

Initially in 2005, VCIT focused on sectors within the city identified as the most violent and needing intervention. VCIT, supported by ATF, VSP and RPD, formed three teams, each having a Team Leader and an Assistant Team Leader.

VCIT's that are geographically based enlist tactics that focus on disrupting the systemic violence associated with individuals and loosely confederated individuals that are involved in the use and/or distribution of illegal drugs and/or other inherently violent illegal enterprises through enforcement, prevention and education. A brief overview of VCIT's best practices includes, but is not limited to, the following:

1. Overt enforcement/presence is a common theme in VCIT tactics directed toward the prevention of violent crime. There are several methods employed that establish VCIT overt enforcement/presence. Every 30 days the VCIT teams do a threat assessment evaluation to identify those individuals and/or groups/gangs believed to have an imminent propensity for perpetrating a violent crime. Consideration is given to a subject's means, motive and opportunity. Subjects rated high in each of these categories are given special attention during the next 30 days. This will include weekly, if not daily, contact by a task force member.

These contacts can include an array of messages, to include but not limited to, VCIT's suspicion/knowledge of their violent intentions along with the warning that they are being monitored and any illegal activity will be dealt with swiftly and to the fullest extent the law provides. The subject(s) can also be offered alternatives to their suspected intentions through VCIT's partnership with the Richmond Department of Social Services (RDSS) such as job training and/or counseling.

2. The use of the federal grand jury subpoena has been effective in suspending neighborhood violence and acquiring current and historical information to further criminal investigations. This tactic has proven most effective when one or more identified groups or gangs are committing violent acts either against each other or in general throughout a community. The use of subpoenas addresses the problem on several fronts. It serves notice that the federal government including its laws, sentencing guidelines and out-of-state prisons are possible outcomes for violent crimes.
3. VCIT conducts "VCIT Patrols" where teams of four or more officers patrol one or all of the targeted areas. These teams endeavor to meet and greet the citizens and business community and consensually engage those identified as being part of the criminal element. Again, the message is delivered that the federal presence there is to "stop the violence." In addition to developing good community and business relations, these patrols often net arrests and seizures of illegal drugs and/or firearms. During these patrols valuable information is developed through field interviews that are later used to develop criminal investigations and share with other stakeholders in their efforts.

4. Project Exile functions as collaboration between ATF, RPD, Virginia State Police, United States Attorney's Office, Richmond Commonwealth Attorney's Office and the Virginia Attorney General's Office. VCIT and Exile are co-located within the ATF Richmond III Field Office. Simply stated, Exile allows for every firearm recovered in Richmond with a federal criminal nexus to be evaluated by a committee to direct the prosecution of the subject(s) involved to either state or federal prosecution. The Exile committee considers both state and federal sentencing guidelines as well how a case may fit into the investigative strategy of other on-going investigations being conducted by the federal, state and local partners.
5. VCIT team members are called out to all homicides that occur in a designated VCIT area. Once on the scene a VCIT team member is assigned to work directly with the assigned RPD investigative team for the first 48 hours following the homicide. This provides the homicide investigation with someone that has an established and current knowledge base of the area in which the homicide occurred. In addition, if the homicide goes unsolved, the VCIT team then has detailed information about the homicide that can be utilized to recognize and act on potential leads as they continue to execute their day to day mission in the area. Any action related to an unsolved homicide investigation is coordinated with Richmond Homicide.

Conclusion

The collaborative efforts of GRIP, VCIT and CVRP, along with a focused sector approach to policing which not only addresses violent crime and gangs but the systemic enablers of crime have produced significant decreases in violent crime and gang activity in Richmond.

Violent Crime in Richmond

2006	-14%
2007	-10%
2008(YTD)	-24%

Homicides have decreased from 86 in 2005 to 55 in 2007.

The Richmond Police Department continues to review and evaluate its methodology and tactics endeavoring to remain flexible and responsive to changing crime trends and patterns.

Mr. SCOTT. Thank you.
Mr. Flores?

**TESTIMONY OF ELY FLORES, LEADERSHIP FACILITATOR AND
TEACHING ASSISTANT, LOS ANGELES, CA**

Mr. FLORES. Hello. My name is Ely Flores, and I am from Los Angeles, California.

As a child, I was abandoned by my father, and I grew up in both the City of South Hollywood and South Central Los Angeles, an under-resourced, oppressed community where more youth are sent to prisons rather than rehabilitations—or to college, for that matter.

Our mothers were so overwhelmed they could do little to prevent us young men from searching for other means of sense of belonging in the streets. That led us to straight to prison and some of us even jail—or even death.

Violence was my learned resolution for all the challenges I faced. Like many young people who grew up in poor communities and disenfranchised communities with few opportunities, I lived by the law of dog eat dog and the survival of the fittest.

I raised my fists in violence over nothing. Maybe someone made fun of my shoes or clothes. Perhaps someone talked negatively about my mom or my sister or my brother. Perhaps someone challenged my so-called manhood. A fight was always the conclusion. Where I am from, being scarred and bruised was like wearing military stripes on the battlefield or won on a battlefield. Whenever the pain was too much to bear, many of us chose to take a dose of marijuana or whatever drug relieved that pain. The older gangsters found it fun to pit kids against each other, instigating little disagreements that escalated to a fight. Violence was commonplace. It was entertainment and, to us kids, it seemed normal.

Violence plus the lack of resources and a dearth of opportunity made it easy for me and other kids to pursue fantasy lives, to emulate gangster lifestyles and drug dealing. My brother and I slipped into that. I have been in situations where I was forced to fight individuals for claiming or stating their membership to another gang that we did not get along with. My anger and violence led me to use weapons to hurt people. I conditioned myself to not care whether or not my victim ended up in a hospital—or, for that matter, ended up dead. The same rules my homies and I lived by also ruled the people that I thought of as my enemies.

One of the experiences that changed my life was when one of my homies was shot dead at the age of 14. He used to be a skateboarder. He always promised that he would never join a gang. But one day the peer pressure and lack of other options got the best of him. He joined the local gang, and a month later, he was shot and killed right outside of my grandmother's house. That cycle continued with years of retaliation.

As I began to develop my consciousness about social issues, I asked myself, "Why are there so many poor people in prisons and especially Black and Brown people in prisons? And why do they keep going back? Is it the people's fault, is it the communities' fault, or is it the parents' fault?" Then I realized that I was trying

to come up with an answer from an oppressed and deficit perspective.

Of course, there has to be some accountability for the people, but there also has to be accountability for the institutions that contribute to the problem and do not help to solve the problem. It affects not just young people caught up in a cycle of violence and deprivation, but the entire society in which we live in. South Central Los Angeles is already a poor community, but continuously prisons and police continue to criminalize the many communities of color.

I found an organization called LA CAUSA YouthBuild, which is an affiliate of YouthBuild USA, a grantee of the U.S. Department of Labor's YouthBuild Program, and introduced to me a positive program, a program of consolation, self-accountability, and leadership.

Because of this key I was given, because of this opportunity I was given, I became an activist. Because of this key, I have developed a passion for community work and helping numerous people in diverse and challenging communities.

This opportunity was rarely given to people, but it was given to me. Because of this opportunity, I have been able to not only get recognized by a Member of Congress, to not only be recognized by the City of Los Angeles, but it also has given me a chance to even travel to places like Israel to try to work with Palestinian and Israeli youth. I just try to bring peace among them.

So I want you to imagine that, like an ex-gang member who lived by violence, who acted in violence against other people, and I could sit here and tell you that I am actually now an activist or an advocate for peace, not only here in Los Angeles, but in Israel.

So, when you think about developing some sort of programs or allocating money, think about my story, right. Think about that, a gang member that is sitting here right in front of you that could have been incarcerated, could have been dead, and because of resources and opportunities that were given to our community, I can sit here and tell you that a gang member can become a productive member of society and a gang member can become an advocate for peace and an advocate for justice.

Thank you.

[The prepared statement of Mr. Flores follows:]

PREPARED STATEMENT OF ELY FLORES

From A Gang Lifestyle to a Life of Community Activism

*The Power of Well Managed, Carefully Designed Educational and Life Skills Programs
in Assisting Formerly Violent, Gang-Affiliated Youth Who Live in Areas of Concentrated
Disadvantage*

Written Testimony Submitted to the Subcommittee on Crime, Terrorism and Homeland
Security

Rayburn House Building
2141

1 p.m.

June 10, 2008

Ely Flores

LA CAUSA YouthBuild
Los Angeles Communities Advocating for Unity Social Justice and Action

As a child, I was abandoned by my father and I grew up in both south Hollywood and South Central L.A. -- in a under resourced, oppressed community where more youth are sent to prisons rather than rehabilitation programs. Our mothers were so overwhelmed they could do little to prevent us young men from searching for meaning and a sense of belonging on streets that led straight to prison or death. Violence was my learned resolution for all the challenges I faced. Like many young people who grow up in poor, disenfranchised communities with few opportunities, I lived by the law of "dog eat dog" and "survival of the fittest."

I raised my fists in violence over nothing. Maybe someone made fun of my shoes or clothes. Perhaps someone talked negatively about my mother, brother, or sister. Perhaps someone challenged my so called "man hood." A fight was always the conclusion. Where I'm from, being scarred and bruised was like wearing military stripes or medals won on a battlefield. Whenever the pain was too much to bear, a dose of marijuana relieved me. The older gangsters found it fun to pit a kid against another kid by instigating little disagreements that escalated into a fight. Violence was commonplace. It was entertainment and to us kids, it seemed normal.

Violence plus the lack of resources and dearth of opportunity made it easy for me and other kids to pursue fantasy lives -- to emulate gangster lifestyles and drug dealing. My brother and I slipped into that, too. I've been in situations where I was forced to fight individuals for "claiming" (stating) their membership to another gang that we did not get along with. My anger and violence led me to use weapons; to hurt people. I conditioned myself not to care whether or not my victim ended up in the hospital or dead. The same rules my homies and I lived by, also ruled the people I thought of as my enemy.

One of the experiences that changed my life was when one of my homies was shot dead at the age of 14. He used to be a skate boarder. He always promised that he'd never join a gang. But one day peer pressure -- and a lack of other options -- got the best of him. He joined the local gang. A month later he was shot and killed next to my grandmother's house. The cycle continued with years of retaliation.

Life stories like mine are quite common amongst poor and disenfranchised youth everywhere in the U.S. First we begin to hang out with gangs and eventually this road takes us to places like prison, drug addiction, and homelessness and for some of us, death.

As I began developing my consciousness about social issues, I asked myself, "Why are there so many poor people in prisons and especially black and brown people? And why do they keep going back? Is it the people's fault, the community's fault, or the parents?" Then I realized that I was trying to come up with answers from an oppressed and deficit perspective. Of course there has to be some accountability for the people but accountability also must lie with institutions that contribute to the problem and don't help

to solve this problem that effects not just the young people caught up in a cycle of violence and deprivation, but the entire society in which we live. .

South Central LA is already a poor community but continuously prisons (in the absence of decent educational programs and rehabilitation programs) and police continue the criminalization of many communities of color. I agree that there needs to be law enforcement and too, incarceration for the extreme and very few cases of people who might be beyond rehabilitation and who pose a threat to public safety. But I also believe that there needs to be far more resources, programs, jobs and rehabilitation coming to the community, rather than easy arrests, more incarceration, and the costly practice of just building of more prisons. Too many lives, especially those of young people of color, are just being written off in a society that pours its vital resources into imprisoning a most precious resource: Young people who are truly are eager to contribute in a positive manner to something meaningful, other than to gang fights on the street.

As I adopted a gang life style, incarceration naturally followed. For four years I went in and out of prison. Some people say I was just a knuckle head but I say that the mission statements of jails that claim to rehabilitate people skipped me. I was never given any resources to better my life or to improve a community I truly did care for. I had to go hunt for resources outside of my community because there simply were not any in mine. I was hungry for change. However, jail and probation officers never seemed to believe me. I felt I'd been written off. But, I was lucky in the end. I found an organization like the Youth Justice Coalition and LA CAUSA YouthBuild that believe in the empowerment of young people to better their lives and their communities.

LA CAUSA YouthBuild, an affiliate of YouthBuild USA, and a grantee of the US Department of Labor's YouthBuild program, introduced me to a life of positive transformation, self accountability, and leadership. It is but one example – a successful example – of what's possible when government resources are invested in young people rather than in jails that warehouse them. This organization offered me the opportunity to develop lifelong skills that would better myself and most important, would allow me to be a part of something bigger than myself. Youth Build allowed me the privilege of contributing in a positive manner to my community. I participated full-time and earned my GED. At the same time, I learned priceless job skills while building much-needed affordable housing for homeless and low income people. All the while, YouthBuild staff provided personal counseling and positive role models, a safe environment. I learned leadership skills and received encouragement from the staff members, who unlike the employees of the jails I was in, really believed in me. This wasn't a welfare program. YouthBuild provided the key. It was up to me to open that door to a new road. Getting on this road forever changed my life.

Because of that key they offered me, I became an activist. Because of that key, I have developed a passion for community work and helped numerous people in diverse and challenging communities. That opportunity that is rarely given to people was given to me and has enabled me to become an expert in the field of Youth Development, Leadership development, and Community Organizing and has allowed me to train others

across this nation. That opportunity and handing of resources has given me congressional recognition by Hilda Solis and recognition from the city of Los Angeles. That recognition has even given me the opportunity to fly to Israel and devote my time to try and build peace amongst Israeli and Palestinian Youth. Imagine that. An ex-gang member, a once violent young man, a former drug addict and ex-criminal now offers his life and time to serve for the cause of peace and the people. Yes, I worked hard to get where I am. But my story is not an anomaly. So many young people, given a chance through well-designed, positive youth programs, really can turn their lives around and contribute in positive ways to make communities safer and more prosperous.

I want you to imagine for a minute that I, Ely Flores of Los Angeles, CA, the person that stands in front of you today, was never given that key for transformation. What would have I become? A long term prisoner, a wanted felon or just another city and national statistic of incarcerated people of color. Your guess is as good as mine. But that key was given to me by a group of people of color who looked like me, who created an organization that offered me resources and empowerment in East Los Angeles and deterred my direction of destruction towards a direction of productivity. The resources to give me that key came from the federal government, thanks to decisions of legislators like you, who decided to fund the federal YouthBuild program. The problem is, that the 226 YouthBuild programs that have been created with federal funds and serve just 8,000 youth a year are turning away many thousands of young people like me every year for lack of funds, and 1,000 organizations have applied to the federal government for YouthBuild funding and most have been turned away for lack of funds. This is a sin and a tragedy, as I think of the young people coming behind me who will not have the opportunity I have had. Right now, there is a recommendation in front of the appropriations sub-committee for Labor/HHS from many legislators and the Congressional Black Caucus and the Latino Caucus and the US Conference of Mayors to increase the YouthBuild appropriation from \$59M to \$100M, and I fervently hope they will do it.

I urge you all to become heroic politicians and people that offer keys of transformation to the thousands of youth and adults with a potential like mine – the potential to become agents for change to their communities and the future of this nation. Think about my story and use it as proof that change is possible in communities dominated by the gang culture if you just provide and offer well-designed and well-managed resources and opportunities to communities in poverty. At the very least, equalize resources and opportunities to those of the rising prison systems. Be the givers of those keys that will open thousands of doors of hope, doors of transformation, and doors of change to people like me. Make the right choice. Choose hope and optimism.

I thank you for your time. I ask only that you keep in mind the possibility that a young gang member can become a productive member of society. It is possible for a gang member to become an agent for positive change.

Thank you for the opportunity to testify on this very important matter.

Mr. SCOTT. Thank you.
Mr. O'Connor?

**TESTIMONY OF KEVIN O'CONNOR, ASSOCIATE ATTORNEY
GENERAL, U.S. DEPARTMENT OF JUSTICE, WASHINGTON, DC**

Mr. O'CONNOR. Thank you, Chairman Scott, Ranking Member Gohmert, and Members of the Subcommittee. I am pleased to be here with you today to discuss the Department of Justice's strategy to address the problems of gangs and gang violence.

I would like to begin by noting that the data released just yesterday from the FBI indicates the country experienced a decrease in the number of violent crimes for 2007 compared to 2006. Much of the credit for this decrease, of course, goes to our local and State partners, many of whom are represented here today, as well as to local and community leaders, faith-based leaders and their communities, who are working tirelessly to address the problem of violent crimes and gangs in their communities. I applaud their efforts, the department supports their efforts, and we in the department will continue to be vigilant and support their efforts to fight violent crime.

Notwithstanding the recent good news, the department will not take its foot off the gas pedal, if you will. We will continue, as we must, to be proactive in combating gangs, and we remain fully committed to implementing strategies to fight violent crime, focusing not just on traditional law enforcement, but, as many here today have noted, also working with our community partners to provide opportunities for at-risk youth and returning offenders to learn the skills and attitudes that they need to become productive members of society.

The department's comprehensive approach to gang and gang violence centers briefly on three key areas: enforcement, prevention, and prisoner re-entry.

One example of this approach is the department's comprehensive anti-gang initiative. This initiative targets communities plagued by gang violence through the prosecution of the most significant gang members, intense prevention efforts employing local strategies to reduce gang membership and violence, and re-entry strategies that create mentor-based assistance programs for prisoners re-entering those communities upon completion of their sentences.

Currently, the initiative operates in 10 jurisdictions across the country with each jurisdiction receiving a total of \$2.5 million in targeted grant funding. This amounts to \$1 million for enforcement, \$1 million for prevention, and half a million dollars for re-entry programs. As you can see, well more than one-half of the funding in each of these sites is dedicated to prevention and re-entry.

Another good example of this comprehensive approach to gang violence is Project Safe Neighborhoods, a national program which targets the most serious violent criminals with aggressive enforcement of our Federal and State firearms laws. Under Project Safe Neighborhoods, the Federal Government through this Congress has committed more than \$2 billion to fund more than 200 Federal and 550 State and local prosecutors to prosecute gun crime.

I should add the money has also been used to support training for more than 30,000 law enforcement officers, prosecutors, and community members across the Nation to develop effective prevention and deterrence efforts to reduce gang and gun violence.

Our efforts, as you can see, are not limited to prosecution of gang members. At the direction of the attorney general, every United States attorney, including myself when I had the pleasure of serving in Connecticut, convened a gang prevention summit in their district that collectively brought together over 10,000 law enforcement and community leaders to discuss best practices, identify gaps in services, and create a prevention plan in their particular districts to target at-risk youths within our communities.

The department has long supported other gang prevention activities, such as the Gang Resistance Education and Training Program, GRIP, as my colleague Major Buckovich referred to, as well as many other gang prevention strategies.

The third component of the department's gang strategy is funding and support for prisoner re-entry programs. These programs provide services and supervision for gang members, in particular upon their release from prison. The goal of this initiative is to connect community organizations with law enforcement to provide much needed services tailored specifically for prisoners re-entering their communities.

In order to reduce violent crime, the Federal Government must work cooperatively and collaboratively with our partners in State, local, and international law enforcement. We must also, as it is very clear by today's hearing, focus not just on dealing with today's criminals, but on preventing our children from turning into tomorrow's criminals.

Thank you, again, for your attention to this issue, and I look forward to taking your questions at a later time.

[The prepared statement of Mr. O'Connor follows:]

PREPARED STATEMENT OF KEVIN O'CONNOR



Department of Justice

STATEMENT
OF
KEVIN O'CONNOR
ASSOCIATE ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

BEFORE THE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME, TERRORISM
AND HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES

"GANGS: WHAT WORKS, WHAT DOESN'T"

JUNE 10, 2008

Chairman Scott, Ranking Member Gohmert, and Members of the Subcommittee. I am Kevin O'Connor, Associate Attorney General for the United State Department of Justice. It is an honor to appear before you today to discuss how the Department of Justice (the Department or DOJ) is partnering with federal, state, and local law enforcement agencies and members of communities small and large to address the problem of gangs and violent crime. This critical public safety challenge grips communities of all sizes and demands a strong and coordinated response. In this testimony, I will summarize the comprehensive approach the Department has taken to confront this problem.

The Problem

First, I think it is important to consider the scope of the gang problem and violent crime. The most recent data from the Federal Bureau of Investigation (FBI) indicates that the country experienced a 1.4 percent decrease in the number of violent crimes for 2007 compared to 2006. According to the 2007 Preliminary Uniform Crime Report, all four categories of violent crime offenses — forcible rape, murder and non-negligent manslaughter, robbery, and aggravated assaults — declined nationwide in 2007 compared with data from 2006. Much of the decline in violent crimes occurred in our cities, with metropolitan counties experiencing a 1.7 percent decrease in violent crime in 2007 compared to the year before. Cities with populations of 250,000 to 499,999 saw a 3.9 percent decline in violent crimes.

This recent data is certainly good news in light of the slight increases in the number of violent crimes reported in 2005 and 2006. The 2007 data is more in line with the 10 year decline from 1995-2005 during which the violent crime rate dropped by 17.6

percent. Much of the credit for this achievement belongs to our partners in state and local law enforcement, community leaders, educators, and members of the faith-based and community-based organizations, who work together with the men and women of the Department of Justice to make our streets safer. I applaud their efforts and pledge the Department's continued vigilance in fighting violent crime. The Department remains fully committed to implementing comprehensive strategies to combat violent crime, focusing not just on traditional law enforcement, but also on working with our community partners to provide opportunities for at-risk youth and returning offenders to learn the skills and attitudes they need to become productive members of society.

The Department's Response

The Department continues to do everything within its power to aggressively investigate and prosecute those who violate federal law by committing acts of violence, to educate the public about gangs and violence, and to deter gang membership. State and local authorities remain the primary prosecutors of violent crime, but the level of violence in some areas is a matter of compelling national concern. The federal government can supplement state efforts and supply a powerful deterrent against violent criminal acts. Because the federal government can prosecute only a fraction of violent crimes, we must target our federal resources in ways that will help our local partners work more effectively.

Project Safe Neighborhoods

Federal prosecutors continue to focus our resources on the most serious violent offenders, taking them off the streets and putting them behind bars where they cannot commit further crimes against the public. In 2001, the Administration created Project

Safe Neighborhoods (PSN), a cooperative effort among federal, state, and local law enforcement agencies and prosecutors to reduce gun crime. Since the inception of the PSN program, the federal government has committed more than \$2 billion to support PSN efforts such as hiring more than 200 federal prosecutors to prosecute gun crime, making grants available to hire more than 550 new state and local gun crime prosecutors, and training more than 30,000 law enforcement officers, prosecutors and community members across the nation to develop effective prevention and deterrence efforts to reduce gun violence.

From FY 2001 through FY 2007, the Department filed 68,543 cases against 83,106 defendants - an over 100 percent increase in cases filed in the previous seven-year period. Accordingly, in the seven years since PSN began, the Department has more than doubled the number of federal firearms prosecutions, compared with the previous seven years. In Fiscal Year (FY) 2007, the Department prosecuted 12,087 defendants for federal gun crimes and increased case filings more than 60 percent since the year prior to the inception of PSN. Those prosecutions have been effective in keeping violent criminals off the streets and relieving some of the pressure on state prosecutors. Moreover, the conviction rate for federal firearms defendants in FY 2007 was 92 percent - the highest it has ever been. The percentage of those defendants sentenced to prison - nearly 94 percent - is also at a record high. More than 54 percent of the offenders received prison terms of more than five years, and nearly 75 percent received sentences of more than three years.

In February 2006, the Attorney General expanded PSN to include new and enhanced anti-gang efforts, in addition to traditional gun crime reduction strategies. For

FY 2007, the Department made available over \$30 million in funding to support local PSN partners in their anti-gang enforcement and prevention efforts and to provide anti-gang training and technical assistance. That funding was in addition to the over \$20 million in grant funding made available in FY 2007 to support PSN efforts that focus on reducing gun crime. In FY 2008, the Department was appropriated \$20 million to combat violent crime, with special emphasis on areas plagued by violent gangs and drug trafficking crimes involving firearms.

Relying significantly on expert state and local anti-gang officers, the Department, through the Bureau of Justice Assistance (BJA), is developing or providing anti-gang courses such as: Basic Gang Enforcement for Line Officers, Advanced Gang Enforcement for Investigators, Gang Unit Commanders' Training, and Anti-Gang Training for Law Enforcement Executives. These courses provide instruction on relevant issues including anti-gang strategies, intelligence collection and sharing, task force approaches, management and policy issues and officer safety issues. The Department is also working closely with its federal partners and through its National Gang Center to provide communities and law enforcement with extensive training in anti-gang strategies.

We have also developed and are supporting the delivery of the "Gangs 101" course for communities, which brings together law enforcement with other community organizations to develop a common understanding and shared commitment to address the gang problem. This course is delivered through the National Gang Center as well as the Regional Centers for Public Safety Innovation and in collaboration with the Department's Community Oriented Policing Services Office.

In January of this year, PSN's Anti-Gang Training was launched. The first training was held in Chapel Hill, North Carolina, for more than 500 attendees. The goal of the regional training is to improve the level of knowledge, communication, and collaboration involved in addressing the criminal gang issue impacting communities throughout the nation.

The training delivers comprehensive anti-gang prevention, enforcement and prisoner reentry training for state and local law enforcement and related partner organizations. The training includes coordinated instruction from nearly every DOJ component addressing the gang problem, including the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the United States Marshals Service (USMS), the National Gang Intelligence Center, the Bureau of Prisons (BOP), and others. It also includes an executive session where community leaders come together with the local U.S. Attorneys and jointly develop or review the strategic response to gang problems in their jurisdiction. This training will be held regionally in as many as ten U.S. locations in 2008 with the next few planned for Chicago, Illinois, Spokane, Washington, and Rochester, New York.

Violent Crime Reduction Partnership Initiative

In 2007, the Department launched a new grant program in support of PSN's anti-gang and violent crime efforts. The Violent Crime Reduction Partnership Initiative will assist state, local, and tribal governments in responding to violent crime, as well as chronic gang, drug, and gun violence, through support for state, local, and tribal multi-jurisdictional violent crime task forces. The President's FY 2009 budget request includes

\$200 million for Violent Crime Reduction Partnership grants that will support these crime task forces and increase prosecution of gangs and violent criminals.

Built on the lessons from some of the nation's most effective crime task forces, the primary goals of this initiative are to: (1) address spikes or areas of increased violent crime in local communities; (2) disrupt criminal gang, gun, and drug activities, particularly those with multi-jurisdictional characteristics; and (3) prevent violent crime by improving criminal intelligence and information sharing. Through discretionary funding to law enforcement task forces, the initiative will allow communities to address specific violent crime problems with focused strategies, including task force-driven street enforcement and investigations and intelligence gathering. Key issues such as gang and gun violence and coordination of local and federal activities will be promoted through training and technical assistance, and then measured for their impact in reducing violent crime rates.

Funding for Local Law Enforcement

Last fall, the Department made 106 awards totaling nearly \$75 million to 103 state, local, and tribal law enforcement agencies to target specific violent crime challenges in their jurisdiction and region. The initiative is driven by the intelligence-led policing strategy which requires the use of data-driven law enforcement responses to prevent and control crime as opposed to simply responding when crime occurs. The 106 task forces funded under this initiative are required to work in a multi-jurisdictional fashion and to partner with at least one federal law enforcement entity such as the FBI, ATF, the Drug Enforcement Administration (DEA), USMS or a local U.S. Attorney's Office.

The task forces are located throughout the U.S. and address issues including gun violence, gang violence, and drug-related violence. A strong set of performance measures is in place to closely track the performance of the initiative in addressing the violent crime problems. Since the initiative's inception, the participating task forces have made 1788 violent felony arrests, made 1570 certified gang member arrests, made 692 violent misdemeanor arrests, submitted 35,588 pieces of intelligence, seized 1644 firearms, disrupted 195 gangs, dismantled 24 gangs, and received 93 match hits through the National Integrated Ballistic Information Network (NIBIN) Program.

NIBIN uses the Integrated Ballistics Identification System (IBIS) to compare images of ballistic evidence gathered from crime scenes and recovered firearms. Each projectile and cartridge casing is "imprinted" with certain marks known as "toolmarks." Each new entry into the system is compared to existing images in search of any possible matches. The existence of a match can in turn generate very helpful leads in criminal investigations.

These are among a few of the results brought about through their operations. These task forces are showing success in their efforts to reduce violent crime. For example, in February 2008, the Palm Beach County, Florida Violent Crimes Task Force began "Operation Sugarland," with federal participation by the ATF, to target the shootings and gang-related violence plaguing its western communities. From January 2007 to January 2008, these communities experienced 87 shootings, including 10 homicides. The operation targeted the area based on intelligence information compiled by criminal analysts. To date, "Operation Sugarland" has brought about 55 arrests, 287 Field Interview Reports, 89 Gang Interview Reports, 214 citations, and the seizure of 13 guns.

The task force also recognizes a decrease in shooting incidents, with arrests being made in half of those shootings due to the cooperation they now receive from the citizens in those areas.

Violent crime task forces are in operation throughout the United States including the City of Fresno, California; Los Angeles County, California; New Castle County, Delaware; City of Rochester, New York; Baltimore City, Maryland; Boston and Springfield, Massachusetts; City of Oklahoma City, Oklahoma; City of Houston, Texas; Madison, Wisconsin; City of Topeka, Kansas; and Cook County, Illinois.

Addressing Gang Violence

Now let me turn to the important steps the Department has taken specifically to address the prevalence of gang violence. First, the Department established an Anti-Gang Coordination Committee to organize the Department's wide-ranging efforts to combat gangs. Second, the Department also established a Comprehensive Anti-Gang Initiative, which focuses on reducing gang membership and gang violence through enforcement, prevention and reentry strategies. That initiative currently operates in ten jurisdictions across the country.

Also, at the district level, each United States Attorney has appointed an Anti-Gang Coordinator to provide leadership and focus to our anti-gang efforts locally. The Anti-Gang Coordinators, in consultation with their local law enforcement and community partners, have developed comprehensive, district-wide strategies to address the gang problems in their districts.

National Gang Targeting, Enforcement and Coordination Center

In addition, the Department has created a new national gang task force, called the National Gang Targeting, Enforcement and Coordination Center (GangTECC).

GangTECC is composed of representatives from the ATF, BOP, DEA, FBI, USMS, and the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE), among others.

GangTECC coordinates overlapping investigations, ensures that tactical and strategic intelligence is shared among law enforcement agencies, and serves as a central coordinating center for multi-jurisdictional gang investigations involving federal law enforcement agencies. The center works hand in hand with the National Gang Intelligence Center, which integrates the gang intelligence assets of all DOJ agencies, and has established partnerships with federal, state, and local agencies that possess gang-related information. The federal agents at GangTECC also work in close collaboration with the prosecutors of the Criminal Division's Gang Squad. The Gang Squad is a core team of experienced anti-gang prosecutors who serve as the prosecutorial arm of the Department's efforts to achieve maximum national impact against the most significant regional, national and international violent gangs.

National Gang Centers

The Department also supports the National Gang Center, which is overseen by BJA. The National Gang Center provides information via the web on anti-gang announcements, training opportunities, and related initiatives.

The Office of Juvenile Justice and Delinquency Prevention's (OJJDP) National Youth Gang Center focuses on the involvement of juveniles in gangs. In addition to web-

based dissemination, the Youth Gang Center provides communities with training and technical assistance on anti-gang strategies and links to research and evaluation information useful to communities searching for solutions.

Global Justice Information Sharing Initiative

In addition, BJA, through the Global Justice Information Sharing Initiative, is developing guidance and recommendations for law enforcement anti-gang intelligence units and undertaking specific strategies to improve gang intelligence sharing. Specifically, recommendations on establishing a gang intelligence unit are under development, along with guidance on applying the criminal intelligence process to anti-gang efforts and an assessment of gang intelligence systems. A key goal of this working group is to recommend the development of a process to allow local law enforcement gang intelligence systems to communicate seamlessly and to support those systems automatically sharing information with the National Crime Information Center's (NCIC) Violent Gang and Terrorist Organization File (VGTOF), which the FBI manages. VGTOF, a file within NCIC, will provide officers with alerts when a known or violent gang member is stopped on the street.

Regional Information Sharing Systems

To further our information sharing initiatives, the Department is supporting the Regional Information Sharing Systems (RISS) network as a means to provide state, local, tribal, and federal law enforcement with resources for combating gangs. RISS is a network of six regional centers that provide secure information and intelligence-sharing resources, analytical support for investigations, training, and loans of sophisticated investigative equipment as well as confidential funds for law enforcement investigations.

Specifically, the RISS network provides a free solution for all law enforcement to share gang intelligence and related information through the RISSGang database.

This web-accessible database currently contains information on over 200,000 known gang members throughout the U.S. and several foreign countries and is available free to all local law enforcement agencies that are members of the network. Linked with RISSGang is ATF's gang intelligence information as well as many other state and federal agencies and programs, including the High Intensity Drug Trafficking Areas (HIDTAs) task forces, for example. Plans are underway to establish connectivity and sharing with the California Gang Investigator's Association system, which will exponentially increase the number of gang members available for searching by law enforcement. Additionally, the RISS network is connected to the FBI's Law Enforcement Online (LEO) and discussions with DHS are underway regarding connectivity to the Homeland Security Information Network system.

DOJ Established Violent Crime Task Forces

The Department has also established and leads numerous joint violent crime-related task forces, including, among others, FBI-led Safe Streets Violent Crime Task Forces and Violent Gang Task Forces that focus on dismantling organized gangs; USMS-led Regional Fugitive Task Forces and district-based task forces across the country that focus on fugitive apprehension efforts; and Violent Crime Impact Teams (VCIT) led by ATF and composed of federal agents from numerous agencies and state and local law enforcement, that identify, target, and arrest violent criminals to reduce the occurrence of homicide and firearm-related violent crime. Those task forces play significant roles in attacking our violent crime problems.

The Department has recently taken steps to ensure that these task forces act in concert and complement each other's efforts. In addition to the national-level Anti-Gang Coordination Committee I noted earlier, the Department has directed United States Attorney's Offices and components' task force managers in each jurisdiction with multiple violent crime task forces to implement guidance for coordinating task force operations; required all agencies to certify that they have policies and procedures in effect that mandate coordination with other violent crime task forces; directed all proposed violent crime and anti-gang task forces to now be subject to review by the Anti-Gang Coordination Committee, with final approval by the Deputy Attorney General; and finally, directed DOJ law enforcement components to evaluate compliance with policies concerning task force coordination, information sharing and efforts to reduce conflicts in periodic internal management reviews.

An example of the Department's use of the task force model is the "RAGE" Task Force established by ATF and the Prince George's County Police Department, and later expanded to include agents from FBI, ICE, and representatives of police forces in the national capital region. With the support of the Maryland U.S. Attorney's Office and local prosecutors, the task force identified and infiltrated in Maryland several "cliques" of the extremely violent Mara Salvatrucha gang, and undertook to dismantle the cliques by treating the entire organization as a criminal enterprise under the Racketeer Influenced and Corrupt Organizations (RICO) Act.

The prosecutors and agents developed a highly effective strategy, including the use of confidential informants still within the gang, electronic surveillance, dozens of search warrants, extensive grand jury work, analytical work by ATF and FBI analysts,

and the use of federal firearms and immigration offenses as well as applicable state crimes to disrupt and dismantle the gang. The Maryland U.S. Attorney's Office and prosecutors from the Department's Criminal Division's Gang Squad were co-counsel on these important cases.

International Efforts

Parallel with its efforts to combat gangs domestically, the Department has drastically expanded efforts to sever the links that connect gang members transnationally, especially in Mexico and Central America. The Department realizes that effectively combating violent gangs at home requires combating violent gangs abroad. A myriad of recent initiatives aims to reduce the danger posed by transnational gang networks, most notably the U.S. Strategy to Combat Criminal Gangs from Central America and Mexico. This strategy is an important component of our larger efforts to develop a new paradigm for regional security cooperation under the Merida Initiative. Under this comprehensive Initiative, the United States Government works with partner countries to combat transnational and other gangs that commit crimes in Central America, Mexico, and the United States through both prevention and enforcement.

The Strategy sets forth five areas in which the United States will work with our neighbors to combat criminal gangs: Diplomacy, Repatriation, Law Enforcement, Capacity Enhancement, and Prevention. The U.S. Gang Strategy enhances U.S. interagency and international cooperation, increases coordination, and systematically enhances links between foreign governments and U.S. Federal, State, and local law enforcement agencies. The President's proposal for the Merida Initiative will fund all five pillars of the U.S. Gang Strategy.

The Department continues to enhance international partnerships in the fight against transnational gangs. One example of the progress made by the Department is the comprehensive, four-part inter-agency agreement on combating transnational gangs between the U.S. and El Salvador. In partnership with the Government of El Salvador, the agreement is assisting efforts to identify and prosecute the most dangerous Salvadoran gang members through programs to enhance gang enforcement, international fugitive apprehension, coordination, information sharing, training and prevention. The agreement includes several initiatives:

- The FBI and State Department personnel are working with El Salvador's Civilian Police (Policia Nacional Civil or PNC) to support the Transnational Anti-Gang Unit to better pursue and prosecute gang members.
- The FBI, in cooperation with the State Department, is accelerating the implementation of the Central American Fingerprinting Exploitation (CAFE) initiative in order to better identify, track and apprehend gang members. CAFE has provided equipment and training to help law enforcement agencies in El Salvador and other Central American nations acquire digital fingerprints of violent gang members and other criminals who commit crimes under different identities in different countries. The President's proposal for the Merida Initiative will provide funding to expand the CAFE initiative to Guatemala during FY 2008 and to other Central American nations in the future.
- The U.S. is increasing its anti-gang training in Central America, including efforts through the International Law Enforcement Academy (ILEA) in San Salvador. The Academy recently graduated its third class of police and prosecutors from El

Salvador and nearby countries. The curriculum includes best practices in targeting and fighting gang activity and other crimes.

The enforcement programs listed above are critical to the fight against gangs and violent crime, but the Department recognizes that law enforcement alone cannot solve this problem. To the extent that we can, the Department is leading and encouraging local prevention and public awareness programs.

The Administration's request for the Merida Initiative includes more than \$25 million for anti-gang activities in the Central American countries. These funds will greatly enhance our cooperation with our partners in the region, providing them with the tools to share information better with us and to offer community prevention programs.

Gang Prevention Activities

In FY 2006, the Attorney General directed each United States Attorney to convene a Gang Prevention Summit in his or her district designed to explore additional opportunities in the area of gang prevention. The summits brought together law enforcement and community leaders to discuss best practices, identify gaps in services, and create a prevention plan to target at-risk youth within their individual communities. These summits have reached over 10,000 law enforcement officers, prosecutors, social service providers, prevention practitioners, and members of the faith-based community.

Public Service Announcements

In partnership with the Ad Council, the Department created four PSN public service announcements (PSAs) intended to educate youth about the perils of gun crime and the consequences of joining gangs. These ads are available in both English and Spanish. The most recent television and radio PSAs were launched at the Project Safe

Neighborhoods National Conference on September 17, 2007 and began airing on that date. In total, more than \$140 million in donated time and space has been expended since the campaign's inception.

In addition to the existing anti-gang training and technical assistance provided by Department components, the Department has hosted two Gang Prevention webcasts that are accessible to the public. These webcasts share best practices in gang prevention; identify resources; support and complement the Attorney General's Anti-Gang Initiative; emphasize a community-based approach to gang prevention and the importance of collaboration; and assist the United States Attorneys in implementing their district-wide anti-gang strategies. The webcasts are available through the Community Oriented Policing Services Response Center.

Gang Resistance Education and Training Program

The Department also has long supported other gang prevention activities such as the National Youth Gang Center, the Boys & Girls Clubs of America, the Gang Resistance Education and Training (G.R.E.A.T.) Program and the OJJDP's Gang Reduction Program. G.R.E.A.T. is a school-based, law enforcement officer-instructed elementary and middle school classroom curriculum that also includes a Families and Summer component. The program's primary objective is prevention and is intended as an immunization against delinquency, youth violence, and gang membership. G.R.E.A.T. lessons focus on providing life skills to students to help them avoid delinquent behavior and violence to solve problems.

In FY 2006, the Department, through BJA, awarded nearly \$15 million to 141 local law enforcement-led G.R.E.A.T. sites in 36 states. In FY 2007, the Department

again awarded nearly \$15 million in funding for 167 local law enforcement G.R.E.A.T. programs. The G.R.E.A.T. Program has also been adopted by the USMS and continues to be supported by the ATF. Several hundred local law enforcement agencies around the country are using the program to reach thousands of youth with a positive and effective anti-gang and anti-violence curriculum.

Collaboration with Local Communities and Community Groups

On June 24-26, 2008, the OJJDP, in collaboration with the Boys & Girls Clubs of America and the National Youth Gang Center will hold the next National Youth Gang Symposium in Atlanta, Georgia. This conference will provide the 1200 participants with training in a wide range of areas including the following: gang awareness, gang prevention, gang intervention, law enforcement strategies, program management, gangs and schools, the justice system and gangs, and “how-to” practical skills for professionals working on gang issues.

OJJDP funded in 2007, and plans to fund again in 2008, the Gang Prevention Coordination Assistance Program. The purpose of this program is to support and enhance the coordination of existing community-based gang prevention and intervention programs and strategies that are closely aligned with local law enforcement efforts. Community-based gang prevention and intervention often involve multiple organizations and programs working in partnership to deliver complementary services to the same or similar target populations. Effective coordination can help identify existing programs and resources and maximize their impact through information sharing, mutual referrals, joint case management, and collective action.

In 2007, the Community Oriented Policing Services Office (COPS) funded a project entitled “Addressing Gang Mobility: A Targeted Approach” at the University of Illinois at Chicago. The project’s outcome will be a model process for creating multi-jurisdictional, multidisciplinary comprehensive partnership-based strategies to address gangs in suburban and rural jurisdictions impacted by the migration of gangs from urban areas. Additionally, COPS funded the Seattle Police Department to develop a creative gang prevention program designed to foster innovative law enforcement-community collaborations and targeted problem-solving responses to specific crime and disorder problems. Furthermore, in 2007, COPS awarded funding to the United Negro College Fund Special Program Corporation for the Campus-Community Policing Partnership. This partnership consists of teams of Historically Black Colleges and Universities, their local law enforcement agencies, and community stakeholders collaborating to identify violent crime and gang issues, and develop new strategies to address these specific community concerns. Finally, COPS through its COPS in Schools Program has awarded in excess of \$70 million to the National School Safety Center and the Pennsylvania Regional Community Policing Institute to train over 10,000 School Resource Officers and School Administrators on various topics including School Safety and the Law.

The Department has also developed a number of resources and community policing solutions to help law enforcement and communities address the problem of gangs. These resources include guides for police on topics such as graffiti, bullying in schools, gun violence among youthful offenders, and witness intimidation; comprehensive gang prevention model programs; parent quick reference cards in English, Spanish, Vietnamese, and Hmong; multi-site evaluations of gang programs; innovations

documents on network analysis and jail information-gathering; and a *Solutions to Address Gang Crime CD-ROM* available free to the public containing DOJ anti-gang related resources and tools.

Additionally, through BJA, the Department is working collaboratively with the American Probation and Parole Association (APPA) to establish a model protocol for successfully reintegrating gang-affiliated offenders back into the community once they have completed their sentences. The model will include accountability as well as services and support to ensure reduced recidivism and gang affiliation among this population. The model protocol is expected to be completed and ready for pilot testing in 2008.

The Practical Impact of the Department's Coordinated Approach

It is important to consider what these programs actually mean to the communities they are intended to help. To further clarify how federal programs translate into reducing violent crime and gang violence in the cities and suburbs that you represent, let me give you some examples of cases from the District of Connecticut, where I served as United States Attorney before assuming my current position.

Diablos Motorcycle Gang

In late 2003, members of the Connecticut State Police's Statewide Cooperative Crime Control Task Force (SCCCTF) developed a cooperating source willing to provide information about the Connecticut Chapter of the Diablos Motorcycle gang. By March 2004, SCCCTF had teamed with DEA to launch a joint investigation into the Diablos. The investigation utilized various investigative techniques, including controlled purchases of narcotics, purchases of narcotics by undercover officers, consensual

recordings of the gang's meetings, extensive physical surveillance, and both state and federal wiretaps on the cell phones of high ranking Diablos.

On the night of December 7, 2005, federal, state and local law enforcement officials executed numerous search warrants in Waterbury and Meriden, and arrested over a dozen "full-patch" members of the gang, including the group's president, treasurer and sergeant at arms, as well as many known Diablos associates. Officials seized seventeen firearms, three motorcycles and an all-terrain vehicle, all of which were ultimately forfeited.

In a commendable display of multi-agency coordination and cooperation, many of the Diablos were prosecuted quickly and effectively in the Connecticut Superior Court. For instance, one full-patch Diablo was sentenced to seven years imprisonment for marijuana trafficking within 45 days of his arrest. In all, 23 Diablos and Diablos associates have been convicted and sentenced on federal and state narcotics and gun charges. These prosecutions have disrupted if not dismantled the Connecticut Chapter of the Diablos Motorcycle gang. Perhaps more importantly, several "hard core" Diablos used their sentencing hearings as a platform to publically disavow the gang, its ways and their membership in the group.

Operation Crown Royal

In October 2005, the FBI and DEA began an investigation into a Drug Trafficking Organization (DTO) operating in Meriden, Connecticut. Through several controlled purchases of crack cocaine conducted by a cooperating witness, Milton Roman (a.k.a. "Justice") was identified as a primary source of supply for cocaine base in and around Meriden. In April 2006, a wiretap investigation began with respect to multiple cellular

telephones utilized by Roman. As a result of the wiretap, it was determined that Roman distributed cocaine and cocaine base to a customer base of approximately 35 individuals in the greater Meriden area. Based on intercepted telephone calls, it is estimated that Roman distributed kilogram quantities of powder and crack cocaine on a monthly basis. During the investigation of Roman, the FBI and DEA identified co-defendant Eluid Rivera (a.k.a. "Smoke" and "Smokey") as a primary source of supply for Roman's DTO and received authorization from the district court to intercept communications occurring over a cellular telephone utilized by Rivera.

Following a subsequent motor vehicle stop, Roman and an associate, Jesse Cividanes, were found to be in possession of approximately 350 grams of cocaine. A search warrant was subsequently obtained for a stash house in Meriden known to be used by Rivera and Cividanes. The search resulted in the seizure of approximately 125 grams of cocaine, drug packaging material, a shotgun, a Beretta handgun with a loaded clip, a .32 caliber handgun and \$5000 in cash.

For his part, Rivera obtained kilogram quantities of cocaine from various individuals in Waterbury, including Luis A. Colon (a.k.a. "Anthony"), Christian Echevarria (a.k.a. "Piti"), and Sammy Medina. Simultaneously, ATF targeted a street gang in Waterbury known as the "Carolina Boys." This gang had operated in Waterbury for a number of years and was known to distribute crack cocaine, heroin and firearms and had a reputation for violence. The gang was associated with Luis Colon and was known to be supplied by him, among others. The gang had come to dominate the Walnut Street area of Waterbury in recent years.

During the course of the wiretap on Colon's phones, it was determined that Colon was the head of a drug trafficking ring that operated out of a building in Waterbury and that he supplied many members of the Carolina Boys. During the course of that wiretap, ATF, in conjunction with DEA and the Waterbury Police Department's Gang Task Force, utilized numerous cooperating witnesses and conducted approximately 60 controlled purchases of crack, heroin and, in some instances, firearms, from various members of the Carolina Boys, that were instrumental in not only corroborating the wiretaps of Colon's phones, but also resulted in the ultimate dismantling of the Carolina Boys gang.

During the investigation, FBI and DEA seized a package that had been shipped via United Parcel Service of America, Inc. to Colon from Puerto Rico that contained a kilogram of cocaine. Colon's primary source of supply was Arnulfo Andrade, a Mexican national who resided in Waterbury and received kilogram shipments of cocaine from sources located out-of-state with direct ties to Mexico. Based on information gathered during the investigation, Colon and Andrade distributed approximately 35 kilograms of cocaine in Waterbury during the summer of 2006.

On September 29, 2006, after six months of wiretaps, investigation was concluded and resulted in the federal indictment of 80 individuals for various federal narcotics and firearms violations. To date, on account of the thorough manner in which this case was prepared by FBI, DEA, ATF and supporting state and local agencies, 76 of these federal defendants have already pled guilty, including all of the main targets. In addition, another approximately 80 individuals were the subjects of state prosecution, all of whom have been convicted as of this time. During the course of the investigation, federal and state authorities seized approximately 3 kilograms of cocaine, approximately 1 ½

kilograms of crack cocaine, numerous firearms, approximately \$300,000 in cash, several vehicles and a nightclub in Meriden, Connecticut, which had been used as a base for narcotics trafficking by several persons that were indicted federally in this case. This investigation has already led to spin-off investigations that are underway.

This investigation is a model for other Organized Crime Drug Enforcement Task Force (OCDETF) cases for multiple reasons. First, it marked a truly cooperative effort between ATF, DEA and FBI that led to the successful dismantling of a significant street gang operating in one of Connecticut's major cities and a DTO that distributed substantial quantities of cocaine, cocaine base and heroin in that same city. Second, the multi-agency approach and the resources that were brought to bear by such an approach also resulted in the building of a case that was difficult to defend against as evidenced by the fact that 76 of 80 federal defendants have pled guilty over a fourteen month period. Finally, this case illustrated that a commitment by state and local law enforcement to maintaining a long-term perspective and building a complex case in conjunction with federal authorities can have a significant impact on crime reduction within urban areas.

Netas Street Gang

In the spring of 2006, the DEA in Hartford, working closely with the New Britain Police Department, commenced an investigation of two separate drug trafficking operations in New Britain, one operated by Luis Cirino in and around his residence and the other operated by Alberto Hernandez out of his garage bay at a warehouse in New Britain. Cirino was a suspected member of the violent Netas street gang and was suspected of having been involved in several unsolved shootings that have occurred in New Britain over the past several years. Hernandez was a large-scale cocaine dealer who

regularly purchased kilogram quantities of powder cocaine and distributed it in smaller quantities through various underlings who sold narcotics at the warehouse.

Over the course of several months, DEA was able to conduct controlled purchases of multi-ounce and one hundred gram quantities of powder and crack cocaine from Cirino, Hernandez and their associates. In addition, the New Britain Police contributed several cooperating witnesses to the investigation who provided vital information about these narcotics organizations, particularly Hernandez's operation. The operation was difficult to investigate because of the location of the warehouse, Hernandez's unwillingness to handle the narcotics, the loyalty of Hernandez's narcotics associates, and the eventual flight of our cooperating witness out of the country. One of the New Britain witnesses provided a Federal Express tracking number, which was used to identify a previously seized shipment of marijuana and almost two kilograms of cocaine, a shipment that had been intercepted, but had not been tied to any case.

In the end, seven people, including Cirino and Hernandez, were convicted of a variety of narcotics offenses, the most serious of which was engaging in a conspiracy to distribute five kilograms or more of powder cocaine. Cirino, who boldly referred to himself as the "sniper of New Britain," was sentenced to 135 months of incarceration and ordered to forfeit six firearms and over \$45,000 in cash. Hernandez awaits sentencing. Thanks to the dismantling of Cirino's and Hernandez's drug trafficking operations, New Britain has seen a marked drop in the violent crime and drug activity occurring in the areas of the city where these two individuals operated.

Conclusion

In order to reduce violent crime, the federal government must work cooperatively with our partners in state, local, and international law enforcement, and we must focus not just on dealing with today's criminals, but on preventing our children from turning into tomorrow's criminals. In some places in our country, social influences that lead children to obey the law – influences that many of us take for granted – simply do not exist. The best way to reduce violent crime is to employ an overarching strategy that includes all participants in the criminal justice system, along with educators, community organizers and leaders of faith-based institutions who can help spread the word and counsel people who otherwise might be tempted to commit crimes. We are working with state and local authorities to reach children in their homes, neighborhoods, schools and religious institutions, before they make the wrong choices that lead to lives of violence and despair, while also working with our state and local partners to provide opportunities to offenders reentering the community. We will continue to work with state and local authorities responsible for the law enforcement, juvenile justice and criminal justice systems that process the vast majority of violent criminals. We must ensure that those institutions, while dealing with the considerable challenge of prosecuting criminals for past crimes, also are able to focus on law enforcement's ultimate mission of preventing crime in the future.

Thank you for the opportunity to discuss the Department's efforts to fight gang violence in our communities. I am happy to answer any questions from Members of the Committee on this important issue.

Mr. SCOTT. Thank you.
And Dr. Macy?

**TESTIMONY OF ROBERT D. MACY, EXECUTIVE DIRECTOR OF
THE BOSTON CHILDREN'S FOUNDATION, BEVERLY FARMS, MA**

Mr. MACY. Thank you.

I want to extend my gratitude to the Chairmen and to the Members of the Committee and to my esteemed colleagues. It is an honor to be here.

I thought, given Chairman Conyers' comment around sociological perspective, I would take that up as a potential lens to maybe stimulate some further conversation as we go along today.

I see two major domains involved in what I would consider to be one of the top two or three public health crises in our young 230-year-old Nation, and that is this issue that you are committed to looking at today and hopefully beyond.

The two primary domains are public safety, which I think has been established through our other witnesses to be of prime importance and cannot be ignored, and the second domain is what I could call social capital. I learned this term from the World Bank. It refers to our children, to our future leaders, and not only our future leaders, but to the people that actually run the country at the basic human, community, religious, cleanup level.

Within these two domains, we have to consider at least five huge challenges which are complexly layered, as was pointed out by the two members from Texas with respect to immigration, and what I would consider to be racketeering, organized crime groups—MS-13, which is actually a non-profit organization, established private 501(c)3s in 38 States—and, of course, the border gangs. We really cannot compare those to what are called sneaker pimp gangs and younger youth gangs around America.

But we have this issue of protecting public safety which primarily is at this point using arrest and incarceration, and there are some key issues here, as I just pointed out, with respect to illegal immigrants, and ICE is doing quite a good job and, I think, needs to certainly be applauded for what it can do and may be able to be brought in to look at some of the violent gang activities with respect to illegal immigrants.

The second are the costs of arrest and incarceration versus costs for alternative measures to decrease violence among youth. And I just want to point out that I am not as familiar with some of the criminology data that some of my esteemed colleagues are, but I think if we were to use and look at age breaks and the decrease in violent crime, you might not necessarily see the same decrease in the 15-to-23-year-old age range, and that is part of the issue.

Mr. SCOTT. Say that again. Sorry.

Mr. MACY. I would just say that as a Committee and as associates of your Committee, you probably look at the age break of 15-to-23-year-olds, when we talk about the overall reduction in criminal acts for aggravated assaults for youth the year 2007, because I am having an educated guess that it may actually have increased.

Our third issue is what is known as the DMC which Professor Ogletree's written testimony provided. That is the Disproportionate Minority Contact which Congress is well aware of, in view of the

2007 Federal Advisory Committee on Juvenile Justice, and it has been pointed out here on these charts and I think it has been brought up in several of your comments during the introduction.

The fourth issue is elements of the youth offender, him or herself, and several people have mentioned this. We have to look at not just the crime, but the criminal. And I would refer to a gentleman named Arredondo who wrote a seminal article in juvenile justice on looking at offender-based sanctioning versus offense-based sanctioning. I think that is going to be critical as we move forward.

And fifth is the relationship between trauma and violence, which is what I would like to spend the rest of my time on, which looks like it is not very much, and that is that we have \$90 billion a year spent on child maltreatment. This is determined by the U.S. Surgeon General's 2005 report. So one of the questions I pose to all of us: Is increased sanctioning, severe sanctioning, actually feeding into child maltreatment?

It appears from the overwhelming research, high-fidelity research, among many different investigative domains that children grown in impoverishment without resources first experience trauma, and in order to survive, they use maladaptive coping strategies, that is, they try to protect themselves. You can do this with your own son or daughter. Irrespective of the color of their skin, they want to get to school and they want to pass the test and they want to belong and they want to become.

But, in order to get to school, they are called a wannabe gang member. They are not involved in gangs yet, but they get a gun or they get a knife. They do not really know how to hide it. They get tagged. They end up with a felony. They end up not being able to vote, and they end up being incarcerated at quite a great cost.

So, in summary, I think public safety and social capital are of equal value, and we have to hold them as of equal value, both for public safety and the development of our social capital, the protection of our children.

And I would like to end with a quote by Black abolitionist and escaped slave Frederick Douglass who said, "It is easier to build strong children than to repair broken men."

I think we have several approaches that are evidence-based, some of them registered in the National Registry of Evidence-Based Practices that would speak to the issue of using treatments that are biopsychosocially driven rather than treatments of incarceration.

Thank you.

[The prepared statement of Mr. Macy follows:]



Testimony: "Addressing Gangs: What's Effective? What's Not?"
Subcommittee on Crime, Terrorism, and Homeland Security

Dr. Robert D. Macy

**Founding and Executive Director of the Center for Trauma Psychology
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Dear Chairman John Conyers and Members of the House of Representatives
Judiciary Committee:

My name is Robert D. Macy. Thank you for your time and consideration. Since 1973, I have worked closely with impoverished children and young adults who face seemingly insurmountable challenges. The most significant of these challenges are psychological trauma and the violence that results from such trauma. Treating traumatized and thus, violent youth, is where I have focused my energies and expertise for more than 3 decades.

I am a founding member of the National Child Traumatic Stress Network (NCTSN). The NCTSN was authorized in 2000, as part of the Children's Health Act, and received its first appropriations of \$10 million in 2001. Credit for this extraordinary and historical authorization to create a national center to reduce the longitudinal negative impact of psychological trauma on our nation's children must be given to Senator Ted Kennedy, Senator Tom Harkin, Senator Arlen Specter, Representative Rosa DeLauro, Representative Steny Hoyer, and others.

The NCTSN money was included in the LHHS appropriations and directed to SAMHSA. This amount quickly increased to \$20 million and then \$30 million in the aftermath of 9/11. The NCTSN was reauthorized in 2003 (as part of the Bioterrorism bill), and is now up for reauthorization again as part of the full SAMHSA reauthorization, which has started and is likely to be completed in 2009. Our Center's focus was and continues to be the identification, assessment and treatment of the most complexly traumatized and disadvantaged youth in America. The NCTSN intervention pathways for gang involved youth and violence exposed youth speak directly to the fundamental dynamics regarding the failure to stem the tide of youth on youth violence utilizing increased arrests and increased offense based sanctioning.

I am the Founder and Executive Director of the Center for Trauma Psychology and of the Boston Children's Foundation.

I founded The Boston Children's Foundation, a public charity, to address the rampant, ongoing psychological trauma and resulting gang violence and suicides among 56,000 children and teens enrolled in the Boston Public Schools. The Foundation is

funded in part by a federal block grant given to the state of Massachusetts and the Massachusetts Department of Mental Health. During the last 12 years, the Boston Children's Foundation has conducted over 9,500 face to face interventions with approximately 15,000 gang involved youth and violence exposed youth in 131 public schools serving the 15 neighborhoods of Boston.

The Center for Trauma Psychology is a privately funded institute. We focus on the impact of psychological trauma and the violence that results from that trauma. The Center utilizes state of the art research methodology and what are called "psychosocial continuum interventions" for youth who have been involved with or exposed to violence. We founded this Center to address the biopsychosocial impact of trauma and the resulting violence on children and their families following exposure to extreme stressors. This includes neighborhood gang violence, civil war, ethnic cleansing and identity conflict, terrorist attacks, urban wide gang violence, man-made and natural disasters.¹

The Center for Trauma Psychology provides all hazards mitigation initiatives with advanced training and systematic evidence based psychosocial assessment, program development, implementation, monitoring and evaluation for preparedness, stabilization and recovery strategies for clients in the United States, Europe, Middle East, Asia and Africa. The Center for Trauma Psychology utilizes psychosocial reintegration and social capital reconstitution approaches for youth populations and their adult caregivers systems that are affected by large-scale threat events, including ongoing violent gang intimidation and the violence that follows. The Center for Trauma Psychology provides training in evidence-based intervention methods to integrated trainee groups of law enforcement, judiciary, educators, social workers, parents, clergy, and youth workers. We use a multidisciplinary approach grounded in the highest quality research in neurobiology, somatocognitive psychology, and cognitive behavior approaches.

¹ Our clients include: Department of Homeland Security (DHS), Immigration and Customs Enforcement, (ICE), U.S.A.I.D., FEMA, SAMHSA/DART, U.S Department of Education, U.S. Environmental Protection Agency, HUD Housing Authorities, International American Red Cross, U.S. Peace Corps, American Airlines, National Child Traumatic Stress Network, VA's National Center for PTSD, United Nations and UNICEF, World Bank-Washington, DC, Save the Children Federation, European Commission of Humanitarian Organizations, HealthNet International, Transcultural Psychosocial Organization, PLAN International, Ministries of Education in: Turkey, Palestine, Israel, Indonesia, Sri Lanka, South Africa, Burundi & Uganda.

Since 1998, the Center for Trauma Psychology has designed, launched and currently manages child and youth trauma response and violence prevention networks in Massachusetts, New Jersey, New York, New Hampshire, Maine, South Dakota, Iowa, Nebraska, Alaska, Netherlands, Norway, Palestine, Israel, Jordan, Afghanistan, Nepal, Indonesia, Sri Lanka, Sudan, Burundi, Eritrea and South Africa. Between 1999 and 2007 over 420,000 violence exposed youth have completed our 15 session trauma and violence reduction evidence based programming.²

My particular areas of expertise are the design, development and implementation of field based randomized cluster controlled trials in low and middle income areas exposed to longitudinal trauma and violence, and the design, development and implementation of biopsychosocial interventions for psychological trauma and resulting violent behaviors in youth exposed to transgenerational impoverishment and slavery and other traumas.

It is clear that mental health disorders are a defining factor in violent behavior among children, teenagers and young adults. From their vantage points, we must understand that violent behaviors and gang involvement are maladaptive coping and survival strategies. Reducing violence and gang involvement, thus, cannot be achieved only through arrest and incarceration as primary treatments.

That said, we do have very good news. The evidence is in. *Mental health disorders, especially anxiety disorders and traumatic stress disorders are highly amenable to treatment-outside of jail. Kids with trauma histories who adopt violent behaviors as a maladaptive coping strategy are in fact, highly amenable to treatment.* This means that if we are willing to set in motion an evidence-based continuum of identification, assessment, and multidisciplinary treatment and psychoeducational

² See, http://www.save-the-children.org/publications/CBI_Impact_Evaluation.pdf
<http://www.unicef.org/turkey/tf/ep11.html> UNICEF Turkey / Resources / Less Fearful, More Active / Classroom ...; Robert D. Macy, et. al., Community-Based, Acute Posttraumatic Stress Management: A Description and Evaluation of a Psychosocial-Intervention Continuum; Harvard Review of Psychiatry, Issue # 12.4, Taylor & Francis, September 2004; Robert D. Macy, Issue Editor, Youth Facing Threat and Terror: Supporting Preparedness and Resilience; New Directions In Youth Development, No. 98, Jossey-Bass, June 2003; Solomon, R. and Macy, R. (2003) La gestione dello stress da Eventi Critici. In Gaimantonio, A. (ed.) *Psicotraumatologia E Psicologia Dell'Emergenza*. Salerno, Italy. pp. 155-165 Ecomind Srl

programs for youth, youth offenders and their caregivers, we can absolutely reduce their attachment to violence as a survival strategy.

And in so doing we are actually targeting the reduction of identification and deep allegiance to authority structures organized around the principles of violence. Children and youth in our country today who are proximal to organized gang violence are faced with a critical life changing choice: do they give their permission to be told what to do and how to become-how to develop- to the authority of the violent gangs or do they give that precious permission to those community members representing democratic justice including law enforcement, court officials and educational and civil authorities

It is best if we accomplish this *prior* to any incarceration. Once incarcerated, effective treatment is far more difficult, if not impossible, to achieve. Once incarcerated, it is almost impossible to support the traumatized child or teen to commit their allegiance to democratic justice. This is especially true for younger teens as evidenced by multiple domains of investigation, most notably public health, Department of Justice and mental health research.

One striking example of incarceration actually increasing gang recruitment and gang commitment is the arrest and incarceration, for minor offenses, of young “wanna be-gang member” kids, who are not yet gang involved,. In order to survive in jail- literally to protect their life-they join a gang on the “inside”, trading their sworn allegiance for protection. Obviously this is a major problem. Incarceration actually forces young teens to choose a violent gang to protect themselves. Additionally, inappropriate incarceration forces young minds and hearts to choose gang authority over government authority. Developing youth seek permission to belong and to become. If they are forced to give their respect and allegiance to violent authority, we, the elected officials and law enforcement, we-the system of justice put in place not only to protect public safety but to continually evolve the standards of justice in a democratic society, are rejected by these young minds . Honestly, it is a loose –loose situation

Choosing effective, tested intervention over incarceration not only preserves precious social capital (our youth-our future workers and leaders). The current economic literature on utilization of incarceration as a violence prevention method indicates extreme expenditures on the “bricks and mortar” of jail systems and appears not to be

effective, especially on a longitudinal basis. In fact, statistics indicating the upward trend of aggravated assaults and resulting arrests and incarcerations appear to be actually increasing the demand for more prison beds and longer sentencing. We can save taxpayers billions of dollars over the next 30 years if we adopt an evidence-based continuum of identification, assessment, a multidisciplinary treatment and psycho educational approach.

The House Judiciary Committee's decision to conduct hearings to examine the causes and cures for violent gang activity in United States marks a crucial turning point in the history of violent gang intervention and the treatment of traumatized youth who use violence, especially gang related violence, as a means to survive and establish attachment to authority structures that provide protection and status.

U.S. scientists and clinicians have contributed to an expanding body of knowledge, more or less reaffirming and quantifying the enormous role that traumatic stress plays in mental illness in the millions of Americans. Through an understanding of trauma, we can better understand violence and thus how to intervene and stop such violence.

Most notably, Vincent J. Felitti, M.D., in a series of robust, pathbreaking studies, in collaboration with Robert Anda, M.D., of the Centers for Disease Control and Prevention (CDC), demonstrate that in a sample of more than 17,000 a statistically significant, graded relationship between adverse childhood experiences(ACE), and psychiatric illness, substance abuse, suicide, and medical illnesses underlying the major causes of death in the United States.³ Also, the so-called ACE studies demonstrate a strong relationship between adverse childhood experiences and obesity, earlier pregnancy, smoking, and sexually transmitted diseases.

In August 2005, Steven S. Sharfstein, M.D., President of the American Psychiatric Association (APA), charged Paul J. Fink, M.D., and Richard J. Loewenstein, M.D., to organize a task force to report to him on the biopsychosocial consequences of early childhood violence. Their report stated: "During the last several decades, the

³ Heart disease, cancer, stroke, pulmonary disease, and liver disease).

American public increasingly has been made aware of the impact of traumatic stress on human functioning. Events like the wars in Vietnam and Iraq, the 9/11 terrorist attacks, genocides in Cambodia, Rwanda, and Darfur, the Catholic Church priest sexual abuse scandal, and natural disasters like (most recently) the Asian tsunami, the Pakistan earthquakes, and Hurricanes Rita and Katrina have been widely reported in the media. In addition, the public has gained awareness of the sizable prevalence of domestic violence, childhood physical and sexual abuse, and child neglect, and their adverse impact on children and families.”

As the APA noted in its 2005 report, the World Health Organization, three years prior, in 2002, had (WHO) issued its own report. In this report, it terms violence “a leading worldwide public health problem.” The WHO report notes as well that violence exacts huge financial, morbidity and mortality costs. (World Health Organization, 2002).

Another study, cited by the APA report, this one from the “Prevent Child Abuse America” and funded by the Edna McConnell Clark Foundation, estimated that the costs, both indirect and direct of child maltreatment United States exceeded \$90 billion. (Fromm, 2001). The U.S. Government recognizes this relationship already. Indeed, in 2005, the Office of the Surgeon General convened the Surgeon General’s Workshop, “Making Prevention of Child Maltreatment a National Priority: Implementing Innovations of a Public Health Approach.”⁴

The scientific community is rapidly increasing its knowledge of the way in which adverse experience and environments create trauma and then engender violence. More specifically, new recent research in neurobiology provides explanations for how life experiences alter the brain development especially among the young. This rapidly expanding body of research discourages the old reductionistic nurture vs. nature paradigm. It encourages us to adopt a more complex, exacting understanding of the way in which the environment, experience, the brain and the body and the social context interact and affect each other. These understandings, in turn, allow us to develop even more effective interventions to mediate the effects of trauma and thus, prevent violence

⁴ (The workshop was a live Webcast and is archived at <http://videocast.nih.gov> under Past Events.)

among young people. Poverty and deprivation correlates with traumatic experiences and this is a reality that cannot be ignored. Violence is far more prevalent in communities of concentrated disadvantage. It is no accident that rates of gang involvement are higher there as well.

However, we do know what works.

Clearly the methodologies for identifying, assessing, treating and sanctioning youth involved in violent gang activity must address integrated intervention and prevention protocols at multiple levels. We must use these multidisciplinary approaches and coordinate and intervene in family systems, with medical providers, the judiciary, the educators in public schools, public housing authorities and others. If we are to be effective, we must continue to elucidate the vast disparities in health care services and quality and mental health services between more affluent communities and communities of concentrated disadvantage, which are almost always communities of color. We must use the high fidelity biopsychosocial research in combination with advanced law enforcement techniques that go far beyond the use of incarceration.

**Prevalence of Mental Health and Psychosocial Disorders
Among children and adolescents in traumatic stress situations**

Much of today's armed violence is born of intense animosity among identity groups based on ethnicity, language, culture, race, religion, regional roots, or other fundamentally differentiating factors. These hostilities can be labeled as "identity conflicts." Extreme brutality, widespread citizen involvement, and societal implosion such as the depletion, destruction, degradation of social capital, characterize identity conflicts. The number of people affected is considerable, largely as a function of the random and indiscriminate nature of these conflicts. Although identity conflict has appeared in the past, its emergence in the 1990s as the prevalent form of violence has produced such notable troubled spots as Rwanda, Burundi, Somalia, Sierra Leone, Bosnia and Herzegovina, the Caucasus, Chechnya, and Kosovo.

The violent animosity inherent in identity conflict means that the purpose of humanitarian intervention is no longer only about meeting physical and material needs. In prolonged identity conflicts and their resultant complex emergencies, humanitarian intervention must also respond to a wider range of factors causing physical and non-

physical human suffering. Stabilizing the physical condition of human beings does not necessarily ameliorate their overall degraded situation nor does it eliminate the potential for greater pain and increased suffering. Rather such amelioration is something akin to the Band-Aid approach on a much larger wound. Separation from family, the destruction of community solidarity, the interruption or cessation of basic education, an inability to create an adequate livelihood, continual fear of abuse and concomitant retaliatory violence, deep resentment against former friends, physical torture, personal remorse and guilt, the sudden, violent death of parents or siblings, or homelessness are defining characteristics of identity conflicts. We must consider gang-related violence among American youth in the same manner.

Humanitarian response to this “new face” of war entails conducting all activities in a foreign environment based on extensive awareness of current local conditions. It requires an in-depth understanding of cultural, social and economic patterns, comprehensive knowledge of the conflict, a thorough grasp of international and humanitarian law, and a consideration of the entire situation in light of its political, human rights, social, development, and military implications. This same understanding applies to children and teenagers living in resource-starved, opportunity poor environments that are segregated from the rest of the United States. In-depth analysis must also assess local capabilities – the strengths in these environments – and tap into the innate capacities of the community. The process of utilizing and increasing the local population’s abilities to provide for itself, manage operations, make decisions, solve problems, and locate resources is a central aspect of community healing and recovery in the aftermath of communal violence engendered by on identity conflict. Building the ability of local communities to provide for themselves can decrease dependency and create alternative leadership to fighting factions by building chains of responsibility in, and receiving input from, other, non-combatant lines of authority. Relying on and building local resources affect nearly all aspects of psychosocial recovery. The renewed interdependence between groups, for example, enhances safety, while inter-group cooperation can promote communization across identity boundaries. Trust gradually builds through enhanced reliance on other community members. Personal and social

morality, similarly, increases as a consequence of greater community and authority accountability.

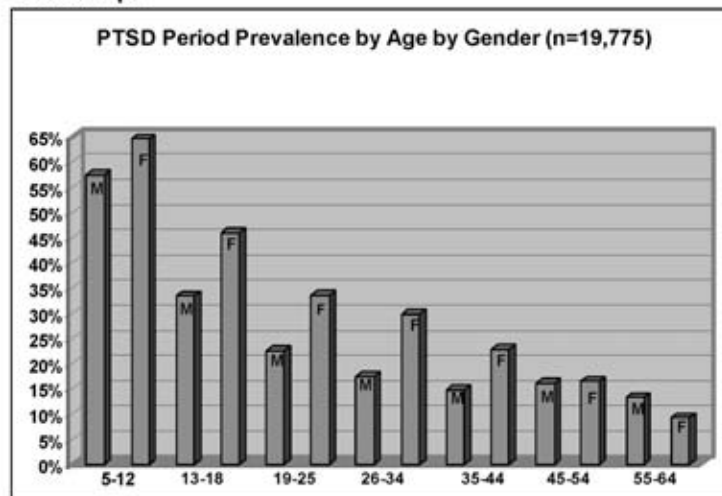
Programmatically, helping to stabilize and eventually heal those psychologically hurt by exposure to extreme violence is critical. As new data sets are being analyzed we may see perhaps that the most cost effective interventions, post conflict, will include a structured, evidence-based, community managed psychosocial component. Current research indicates that the most costly and longest term negative impacts of identity conflicts, and unfortunately the most difficult to address, are the longitudinal psychosocial disruption and attendant psychological impairment, both of which can significantly undermine the rebuilding and stabilization of social capital and the reintegration of the community.

Highly traumatized individuals can continue to harbor resentment and anger towards former adversaries and unfortunately these individuals will engage in coping strategies, such as substance abuse, prostitution, and domestic violence that undermine their ability to become securely engaged in education, employment or successful parenting. Culturally sensitive, highly structured, evidence based programs addressing the fundamental components of psychosocial disruptions and the underlying psychological trauma can, therefore, benefit the individuals as well as the community as a whole. In fact, the support and development of such psychosocial intervention structures may significantly reduce the mid to long-term costs of recovery post conflict and contribute to the absolute reduction of incarceration as a means to “control” or “treat” violent behavior, most significantly because incarceration cannot address the underlying trauma and resultant maladaptive survival strategies.

We acknowledge that there are no blanket prescriptions for healing wounds and rebuilding communities and that community cohesion is an internal process, not one that can be imposed from the outside. Each step must be taken when the time is right and the participants ready. Nonetheless, we have learned that outsiders can play an important role in preparing, supporting and otherwise encouraging community healing, primarily by working carefully with local partners to build knowledge infrastructure that affords those most impacted by the violence to play a central role in the stabilization and recovery of their own community.

Macy and colleagues, working with Domestic and International donors over the last 7 years have launched evidence based, highly structured psychosocial intervention programs, such as **CBI®** services, for children and youth exposed to armed conflict, gang violence, terrorist recruitment, child soldiering and mass casualty natural disasters. It is important to note that our efforts and our resources are aimed at what appear to be the most at risk populations impacted by community violence: children and youth. In an epidemiological study by Macy (2008, *In Press*) Medicaid youth living at the poverty level in H.U.D. housing developments exhibited some of the highest rates of severe mental health disturbances yet reported: 609.5 per 1,000 (CI: 601.0-618.0) for the 5 year to 12 year old age group. These youth were not exposed to a discreet threat event but rather have suffered continuous chronic exposure to community violence-traumatogenic lifestyles, an environment not dissimilar to communities impacted by armed identity conflict. See the chart below.

Period Prevalence Rates of PTSD for H.U.D. Housing Development Youth Sample



We are concerned that when high rates of psychosocial disturbances and resultant mental health disorders arise among youth in armed identity conflict areas, and go

unchecked, the economic and societal consequences for that community may be overwhelming and too costly to rectify in a timely manner. Our method has been and will continue to be the application of state of the art psychosocial assessment and intervention programs targeting the impacted youth in states and countries requesting psychosocial stabilization and traumatic stress reduction programs.

Thank you for this opportunity to testify on this most important matter and thank you for the time and consideration you are giving to perhaps one of the most pressing public health/public safety issues facing our country today.

Respectfully Submitted,
Dr. Robert D. Macy

Mr. SCOTT. Thank you.

And I want to thank all of our witnesses for this great testimony.

We will ask questions using the same 5-minute rule. I will recognize myself for 5 minutes.

I notice in all of the testimony that we did not hear any need for new statutes, any gang-related statutes. It would seem to me, Major Buckovich, if you catch somebody in a drive-by shooting, the penalty for that will be life. If you dress it up and call it a gang-related drive-by shooting, does that help you?

Mr. BUCKOVICH. Thank you.

My response to that would be the Richmond Police Department, whether it is a gang-related or non-gang-related shooting, investigates with the same amount of energy and aggressive investigative techniques as we would any type of shooting.

However, I believe that enhancements to certain—

Mr. SCOTT. But would you get more time if it is dressed up as a gang-related drive-by shooting as a regular drive-by shooting?

Mr. BUCKOVICH. If someone was killed or injured?

Mr. SCOTT. It is the same life.

Mr. BUCKOVICH. Yes.

Mr. SCOTT. Okay. And if we are going to do something about gangs, dressing up the criminal code does not appear to be what we need to do to reduce gang membership because by the time you get to the point of sentencing, they have already joined the gang, committed the crimes, got court, got convicted, and now you are arguing about how much time they are going to get when the criminal code—according to this chart, you are doing pretty good. The police are doing a pretty good job, and we have locked up more people on earth than anywhere.

Those brown charts show what we are doing in the minority community compared to the rest of the world. It just does not seem that changing the criminal code would be a necessary element. Maybe more enforcement of the present criminal code, but the criminal code itself has produced this chart where the United States, and particularly the minority community—the first brown chart is the average African-American incarceration rate. The second brown chart is the top 10 States. Many States are around 4,000 per 100,000 locked up today when most of the world is around 100. So it seems as though the criminal code seems to be working pretty good.

Dr. Macy, your testimony talks about the effect of getting real tough on gangs as being possibly counterproductive. What do you mean in terms of helping with gang membership, getting kids out of gangs? What did you mean by that?

Mr. MACY. Thank you.

I think the more generalized issue, which is critical for all of us, is young children face a pretty significant decision early on because, as you all know with your own children or grandchildren, their primary question is: Who do I belong to? Who belongs to me? How do I become?

And so children actually seek permission for many things, including to kill, and this certainly has been demonstrated in David Grossman's work, "On Killing." In fact, children face a difficult de-

cision when they offer their permission to someone to tell them what to do.

So, right now in this country, many of the disadvantaged children, which we call at risk, are faced with a decision like Ely was, which is: Do I give my allegiance, do I actually give my permission to have someone tell me what to do to a gang or leadership authority structure organized around violence, or do I give it to a gang or leadership authority organized around justice, peace, democracy?

And so if we sanction children too young and too hard, what usually happens, in my personal field experience and in the research, is that they end up giving their affiliation, their permission to an authority structure that is organized around violence.

The second issue is that if you take a kid and you bring them into jail, irrespective of all the sort of old-timer stories about how kids learn more crime in jail, there is a more significant issue. As we increase arrests and use felony charges to keep kids in jail, in order for them to stay alive in jail, especially the younger ones, they have to swear their allegiance to a gang for protection, and then they owe that gang when they get out. So we are actually increasing gang membership by this methodology, I believe.

Mr. SCOTT. And, Professor Ogletree, what does a get-tough approach do to gang cohesiveness?

Mr. OGLETREE. Well, it makes it even stronger, and that is what surprised me a little bit by Mr. O'Connor's comment that the Department of Justice better not take its foot off the gas pedal. It seems to me at some point you take your foot off the gas pedal to see what you are doing and whether you are making any progress and, in fact, some of these get-tough-on-crime policies, as we indicate in our report, only lead to the contrary result.

I am not sure you can say you have succeeded because you have more people in prison, but you have not solved the problem of young people being able to be productive members of our community, and I think that what we need to do is to do what has been successful.

All these departments—White Plains—these are East and Northeast, and Richmond's southern—people take the time to figure out how to work with communities, how to work with the clergy, how to work with the young people are creating remarkable changes. Both what Ely said about his own experience and what you heard is that if you give a child a chance, it makes a difference, and if you do not, you are going to find more people incarcerated, but you are not going to find the problem of violence reduced or seriously addressed.

Mr. SCOTT. Thank you.

Mr. Gohmert?

Mr. GOHMERT. Thank you, Mr. Chairman.

We are all concerned about the same problem. Everybody has come at it from a different position.

Mr. Flores, we appreciate what you have been able to do with helping and caring for people.

We have a number of questions to ask, but, folks, I am not going to ask questions because I did not hear anybody get to the heart of what I heard over a decade of sitting on the bench over thousands of criminal cases. I started taking my own little survey for

3 months, for a quarter. I randomly picked 5 years of age. Way over 80 percent, nearly 85 percent, of the people that came before me for sentencing on felony cases had had no relationship with a father since at least age 5.

Mr. Flores, your testimony started off, and you prepared your testimony, I take it. You chose to start off by saying, "I was abandoned by my father."

Dr. Macy, you pointed out people are looking to belong.

In our society, there ought to be societal pressure to be a father, and I know that some of the greatest contributions in this country have come from people from single parents and will continue to come from people from single-parent homes, some of the major problems have come from people with two parents, but we are—

You know, I saw in this testimony here, Dr. Straub, the statement "Incarceration breaks up families and disrupts social networks," and I am thinking breaking up families? It is about incarceration.

I was sentencing a young man who was a gang member, and he just poured out his heart. And he had been stoic. You could not tell hardly when he was lying because he was so cold and cool. But, clearly, the evidence showed beyond a reasonable doubt he was involved in a murder, and he talked about he had no father. His mother was never around. He wanted to belong to something. His gang was his family. He felt safe with his gang. That was his family.

Now it concerns me that with all your expertise and with all the brilliance and the high IQs sitting here in front of me that we are not talking about that, that the societal pressure ought to be there to be a good father, do your best to succeed. You know there ought to be pressure to do well in school.

You know, for far too long, in my criminal court, over and over, people came before me and they said the pressure from those they hung around with was, "Do not succeed. Do not sell out." The pressure ought to be there to succeed in school, to do well, and I am just afraid we are not talking about an elephant in the room, the societal breakdown of the family.

In 1973, I was an exchange student in the Soviet Union, and I was taken to numerous daycare centers as a point of pride because they pulled the kids—there were eight Americans there that year. We were told, "The Government knows best. We have these Government programs for raising the kids. The parents cannot always be trusted. So, as soon as they are old enough to walk—and in some cases before that—we get them in here in our daycare centers so we can start working on them." Highest alcoholism rates anywhere in the world is what I understood. The Government was not the answer.

So I welcome input. My time is about up. And 5-minute little blurbs does not really do it for any of you with your vast amount of research. I would welcome input from any of you in writing after the hearing, but I am afraid we are not addressing an important societal problem here, and that is the breakup of the family and kids just wanting to belong.

I yield back.

Mr. SCOTT. Thank you.

The gentleman from Michigan?

Mr. CONYERS. Judge Gohmert touched on something that Maxine Waters and I were commenting on, is that—and you have done this yourself, Chairman Scott—and we need a different setting. This is too formalized and ritualistic. You have had forums on crime where we sat in a different relationship—this is a bureaucratic legislative hearing about something that touches the nerve endings of us all—where we sit around and everybody could chime in and interrupt and agree or disagree, and I know that Professor Ogletree has been in these kinds of sessions that we have had not only in the Congress but around the country and at Harvard as well, come to think about it.

But let me tell you what I am thinking about. A lot of this has to do with belief systems, and they start out early. Sometimes we do not make much progress as quickly as we want to, but I have begun to think that in this country, at this point in time, we are beginning to get more honest and realistic about the nature of race relations and the cultural considerations that are all a part of it.

I think of Martin Luther King—and now after more than a dozen years it took to get the King holiday bill—where a person got up and said, “Non-violent protests can win the day.” Now that is still coming out of a culture, a background, Ogletree, that is crazy. We spend more money on not only weapons of destruction. I think it was \$1.3 trillion worldwide. And we have huge research activities going on, more in this country than any other, where we are developing new weapons. We are now out in space.

So, when you come back then and say, “Well, you know, King was one of the great leaders of all time. You do not understand, Congressman, his non-violence theory,” and I say, “Hey, wait a minute.” We have a culture of violence that has been from the beginning of time. That is the way things always were.

It was not until Roosevelt and Churchill came along at the end of World War II that we said, “There ought to be treaties against torture, and there ought to be treaties”—then we came to nuclear non-proliferation treaties. Then we came to war crimes tribunals.

Now that sounds maybe far away from the subject of gangs, but, you know, when you are looking at our video, television, and our cultural recreational things, you get into some serious problems where kids have seen 1,500 murders on television before they are 12 years old. Then you say, “Well, why did you join a gang, Tommy?” and he looks at you like you must be on another planet. What do you think most of our recreation is about? Crime. Law and order.

And I would just like to get a reaction from Professors Ogletree and Macy on this, if my time permits.

Mr. OGLETREE. Congressman Conyers, I mean, you hit the nail on the head, and I am very impressed with the analysis of connecting all these things together. It is exactly right.

We have a culture of violence. It is embedded in our culture, and at the same time, we do not even recognize the fact that as a democratic progressive Nation, if you look at this chart, I mean, we are off the charts in terms of promoting violence. It is part of our culture, and it goes to the question raised by Congressman Gohmert as a judge, and I can see the challenge as well.

I think Dr. Macy hit the nail on the head as well when he talked about social capital. If you care about children, you care about families, and if you and I sat down in a room with a door locked for half a day, we could solve it. For example, I would tell you that there are a lot of fathers already there.

Mr. GOHMERT. You would need someone a lot smarter than me.

Mr. OGLETREE. Oh, no, you are exactly what is needed. It is not a question about intelligence. It is about a sense of moral courage.

And those fathers who are not there, some of them are not there because they are dead. Some are not there because they are incarcerated before. They cannot get a job. They cannot help the family. They cannot go back to school. They cannot get a driver's license. So that is social capital as well, not just the children, the family.

I agree with you about the importance of two parents, but it is not that they do not want to be there. We have created an infrastructure that prohibits them from being a part of a family, and if we really solve the gang problem, the violence problem, we have to say that man who has been in prison, has been released can paint a fence, can cut some grass, can be a taxpaying, wage-earning citizen, and not a recidivist.

That means we are looking at a holistic problem. If we take that up—and then we will address Congressman Conyers' problem because—if we look at it holistically, at social capital, not just a child, but also the adults, we could begin to address this. But we have not even scratched the surface of it. We look at the symptoms and not the problem.

Mr. MACY. I agree with the professor, Mr. Conyers. I think you are on track, and I think connecting the dots are important. I did that in my written testimony in terms of the global violence with respect to what is called identity conflict, which is age old, but has really arisen to astronomic proportions in the last 15 years.

I think I might as well say what I think the white elephant in the room is, and I say it with the greatest respect for all of us who are struggling really with very difficult, complex challenges. It is very hard to legislate good parenting. I think there should be a taboo against poor parenting because, you know, it is very, very difficult.

The professor speaks to some proportion. I would give an educated guess it is more than 50 percent of fathers that want to be fathers, especially after the age of 25—the developmental psychopathology literature points that out—are in jail. So it is hard for them to father.

But the white elephant I was referring to is slavery, and I have part of this proven. I do not have the whole thing proven, but I tried in my verbal testimony to link trauma as the root cause of violence as opposed to saying violence causes trauma. Psychological trauma appears to be one of the root causes of violence, violence as a way to protect one's self in an unsafe world.

The unsafe world was created by trauma which is really a psychological shattering of the whole human being. And how did that come about? If we look at the history certainly of our country and then you look at these graphs here, we do have an issue, which I think we cannot avoid, which is slavery, and the enslavement of these young men is in a sense a recapitulation of that.

And then what I have been looking at in working with the gangs is that a gang is just another form of imprisonment. It is no better being in a gang than being in a prison. It is just—now you can call it a secondary form of enslavement where young men do unto others what was done unto them only better.

They ask for allegiance to violence and to destruction, and it is really the destruction of the fatherhood in the family because most of these gangs are males instead of seeking out an authority that allows them to pursue justice and peace.

Mr. SCOTT. Thank you.

The gentleman from Virginia?

Mr. FORBES. Thank you, Mr. Chairman.

I want to thank all of you for being here and echo what everybody has said in that I think each of you have an enormous amount of wisdom and expertise in this area, but I do not think, and I have never thought that the forums that we utilize are the correct ones. This is not the first time we have raised this.

I mean, just look at the logistics of what I have here. I have six wonderful witnesses that I would love to delve into what you say and pick out the good parts because this whole thing is a matrix. It is not just, you know, that Mr. Ogletree is right, Mr. Flores is wrong. It is a matrix that we need to pull together, but I have six of you. I have 5 minutes. That gives me 50 seconds each. It would be insulting to you for me to even try to begin to do that.

But let me just tell you that I am at least glad that we recognize that we have a gang problem because a few years ago when I brought legislation here—it was not perfect—legislation to try to even talk about the gang problem, some of my good friends over here said, “We do not have a problem. Where is the problem?”

And I will tell you we would go to school districts, and I would talk to school superintendents, and I would say, “You have a gang problem.” They said, “We do not have a gang problem.” The next day, I would have the assistant or deputy superintendent coming in my office, “We have a big gang problem, but we cannot talk about it because we will offend somebody or perhaps it will hurt our real estate values,” or whatever.

I am just excited that we at least can come together and talk about the fact that we have a gang problem.

The second thing is my good friend and Chairman of this Committee asked this question: Do you want to reduce crime, or do we want to play politics? There is not—I do not think. I have not seen the person. I do not think there is a person in this room that does not want to reduce crime.

If there are, I have not met them. I do not know who you are. But I do not think there is a person in here, I do not think there is a person on the other side of that aisle that does not want to reduce crime. I know that I have no person on this side of the aisle.

But what we do is if somebody disagrees with our approach, we label whatever they want to do as playing politics, instead of recognizing that we have to create this matrix to be able to come together and create a solution.

The other thing that we have talked about is the fact that incarceration is not free. No one in this room is foolish enough to think that the cost of incarceration is not through the roof, but the other

thing we at least need to put on the table is the fact that letting gang networks run free is not free either because we have had overwhelming testimony before this Committee of people whose lives have been transformed in a negative way because of gang networks that came in.

We had one lady that I think all of us have seared into our mind. She lived in Philadelphia. She was an African-American woman who had, I believe, five children, but I might be wrong on there, lived in Philadelphia, left Philadelphia because she was afraid of the gangs that were there, went to Maryland to escape the gangs in Philadelphia, put her children in private school to try to avoid it. Her and her husband worked two jobs. He was a minister, part-time, took another job.

A gang member, 17 years old, comes up to him one night, puts a gun to his head, and kills him, never met him before, but killed him for one reason. That was his initiation into a gang. And when you looked at her, she realized that letting that gang member run free to kill her husband was not free to her and her children either.

We need to recognize that these gang members, some of them, are going out and they are cutting people's larynxes out in northern Virginia, they are cutting their arms off, they are murdering witnesses, they are doing extortion, they are recruiting innocent children, and I will tell you I remember the head of one of the gang units in Maryland, Mr. Forest, he said exactly what you did. He was a former MS-13 member who had transformed. Now he is out trying to stop gangs.

He told me in a summit that we had in Arkansas, he said, "Do you know the group that fights against me the most when I am trying to get kids out of gang?" He said, "You will never guess." And I said, "Who is it?" He said, "The mothers. The mothers who are trying to keep their children in gangs because they want the money flow coming in." And he had transformed his life.

Now the other thing that I think is we play politics when we start putting things in categories and say, "This is a get-tough approach," where I guess the alternative is a get-soft approach. I mean, the reality is we have to pick and pull the tools that we need to deal with some of these problems. It is easy to reach in our quiver of arrows and pull out the common ones and say, "Oh, look, it is unemployment. It is dysfunctional families. It is small groups of innocent kids from street corners." We are all against those.

But here is the other thing that we need to recognize. In the 1960's when we went after organized crime, we could have done the same thing by just saying, "People just want prostitution. People want gambling. People want drugs." Fortunately, we did not do that. We went after the networks and pulled those networks down very successfully.

So what I am just suggesting to you—and I know my time is out. That shows how little we have. But I just want to tell you this. We need a combined approach that begins by tearing down these networks because these networks are out here recruiting, and I do not care what you do, those networks of people are going to continue to recruit, continue to do some of the things that we see.

We also need to understand that it is no less fatal to have a murder by a 17-year-old than to have a murder by an 18-year-old.

And the other thing that we need to realize is that when you have at least sometimes in some of our most violent gangs 80 percent of the members coming in here illegally, then some of the prevention programs that we know work and we want to use are not going to work for that particular gang.

The final thing is—of course, I could not agree with you more—I think gang members can be transformed and changed, but some of the most effective agents of change are some of our faith-based organizations that are going out and changing people, and yet we strap their hands every time we get a chance instead of letting them do that change.

And the final thing I think we need to do is recognize that we need a combined program that brings the best of all these tools together so that we can pull down the networks and then so that we can deal with some of the other problems that cause people to join gangs, be it unemployment, dysfunctional families, lack of self-esteem, racial tensions, whatever they are.

Unless we get that comprehensive approach, I do not think we are going to be able to make a big dent in this problem.

Mr. Chairman, I yield back. Thank you for your patience.

Mr. CONYERS. Mr. Chairman? Mr. Chairman?

Mr. SCOTT. The gentleman from Michigan?

Mr. CONYERS. Might I beg your indulgence to allow the six witnesses to just briefly reflect off of Randy Forbes, the former Ranking Member of the Crime Committee?

Mr. SCOTT. Well, it is Ms. Waters' turn if she will defer. Okay.

Mr. STRAUB. Congressman Forbes, I agree wholeheartedly with your comments that we need to bring multiple approaches to the problem of at-risk youth or gang-involved youth. There clearly is not one solution, and there clearly are people who are serious criminals who need to be incarcerated, and I think all of us would readily admit that.

In speaking to Congressman Gohmert's comment about the incarceration and fatherhood—I am fortunate to have two children of my own and clearly believe that fatherhood is critical—I would echo Professor Ogletree's comments about the effects of incarceration in breaking up families and putting fathers in jail. Some deserve it. There is no doubt about it.

The problem becomes this constant churning of communities where the community never settles down. So there really is no stability in the community, and I think we have to explore ways to reduce the "churning."

Clearly, we want to encourage people and we want to encourage fathers to be with their family and to be good families, and I think the program that we talked about specifically in White Plains is very much about that, addressing family values, keeping families intact, building positive skills so that people can become strong members of the community and we can, in fact, build the social capital and the community capital that my other colleagues here referred to.

Mr. BUCKOVICH. Congressman Forbes, I also agree with you.

For so many years in policing, we judged our effectiveness by the amount of arrests we made, fill this table up with guns and stand behind it and say, "Look what we have done," but ignoring if it had

impact on violent crime. I think we are starting to see that we do have to address prevention, we do have to address intervention, we certainly have to have suppression efforts, but without prevention, without intervention, without addressing the systemic enablers of crime, that we are not going to be successful in the long term.

And we have to engage the community. I know in Richmond that engagement means more than just going to community meetings and telling them, "This is what crime is like in your neighborhood." It means going to community meetings and saying, "This is what we need from you. This is what we need you to do to help us and to help your community," and I think that that is the direction we have to go in.

Mr. FLORES. I think that you have a point where you are talking about a lot of religious groups are doing a lot of good work, but then I would raise the question that what happens to those gang members who do not believe in religion and who do not want any affiliation? I am not saying that they are approaching it—

Mr. FORBES. I am not saying that needs to be exclusive. I am just saying that is one tool that is very effective, and we want to use all the tools we can. I mean, my point was not that one size fits all. It is simply that we ought to let them if they are showing that effectiveness have that great affect that they are doing in lots of—

Mr. FLORES. Yes. And I guess my second thing to that was just to—like you were saying is using more than just one approach, like it should be more than one. I mean, to incarcerate young people, there are a lot of approaches that you take to do that, too, right? There are different approaches that you can use to incarcerate someone. So I think that should be the same way, is in order to rehabilitate someone or get someone out of that gang culture.

And exactly what Professor Ogletree was talking about, he said the social capital of it. There are a lot of people that want to be parents. I became a parent at the age of 17, and if I did not search or I did not find that social capital, I might have not been there either. You know, I might have been incarcerated, dead, or whatever not.

So I think also the social capital issue is huge, and there is breaking up families and that, and this is going on, right? So I think this issue needs to be handled from all sorts of directions, not just one, just saying just, you know, religious-based or whatever not, but it needs to be from all sorts of directions.

If you have also been incarcerated, you will find out that gang members might be part of this lifestyle, but even in the gang lifestyle, there is diversity within there as well. So there needs to be different angles.

Mr. O'CONNOR. I will try to avoid being repetitive, and I would just say, Judge Gohmert, your perspective as a judge is one I think every prosecutor deals with. You know, prosecutors feel generally content, particularly when the victim of violent crime sees their perpetrator go to jail. It is justice. It restores confidence in the system. But I do not know of a prosecutor who does not stop and say, "Boy, this kid threw his life away and is going to jail for the rest of his life." They had that MS-13 member in Maryland yesterday with a life sentence.

That is why I do not know a prosecutor who does not go back to the local police chief or to the community groups and say, "What are we going to do to stop this?" It is not just throwing people in jail. I mean, we have an obligation to enforce the law. If people commit violent crimes, we are going to prosecute them. That is what the public expects. But we prefer not to be prosecuting these cases. We would prefer if kids—and they are predominantly kids—made better choices.

We also recognize that as prosecutors we are not social workers. We do not have the Ph.D.s, we are lawyers, and so we rely heavily on community groups, faith-based or otherwise, to tell us what can we do to stop people from coming in because, by the time a file lands in my office, it is too late. Somebody is already been victimized, and somebody is going to be held accountable.

The real goal is to keep people from entering the criminal justice system in the first place, and that is why I think prevention and enforcement are not mutually exclusive. I would say they are strongly complementary of one another. You send a message through enforcement that there are consequences for wrong choices. Through prevention, you say to people, "And you have better alternatives."

Thank you.

Mr. MACY. I think that Committee Member Forbes did an incredible job trying to summarize what you call the matrix, and, you know, trauma which breeds violence has multiple determinants, so we need a multiply determined approach to decrease the violence.

And I would argue from the social work combined criminology side before it gets to Mr. O'Connor's desk that we look at the public mental health model where we are using identification assessment and early intervention starting—someone brought it up earlier—really in preschool, daycare, to look at children who are already at risk for mental distress which leads to mental disorders, and the studies are overwhelming at this point.

If you look at the United States Secret Service report on school shootings in the last 25 years, 47 shootings, it was all youth-on-youth violence, and they tried to, as the U.S. Secret Service is expert at doing, develop a portrait or, if you will, a profile of the next school shooter, and they could not do it because there is no next school shooter profile because there are so many differences.

They found two stunning similarities among 75 percent of all the shooters, no matter their color, their advantage, their disciplinary action record, or their academic achievement. One was 75 percent of all shooters prior to the shooting had evidence of suicidality, and, two, that for almost 90 percent of these shooters, no adults in the school system that actually knew who the kid was, knew anything about the kid. So you have factors of mental illness and isolation.

This carries over into kids who get conscripted into gangs as early as fifth and sixth grade to do the initiation, which is absolutely grotesque behaviors, which are high-level military combat techniques, which these gangs know about, to condition them to kill because there is a universal human phobia to kill so you have to condition that out of a human.

They start very young with kids who are not just at risk because of their disadvantaged neighborhood or their being born into slav-

ery, because they have a burgeoning mental illness, so I think adding to the matrix, in concert with criminology, a public health/mental health model is going to be crucial to consider.

Mr. OGLETREE. And I will be very brief.

Congressman Forbes, you made some great points. Let me just take two of the points you made and try to expand on them and tell you where I think there is a problem with the overgeneralization.

You talked about organized crime, which is a good example, and I think the strategy in the 1960's and beyond the 1970's to come up with the approach to fight organized crime was an important one. It was not a law enforcement effort that labeled every single adult who happened to live in an Italian community or who happened to be poor as a member of organized crime. It was surgical, finding the people responsible, punishing them very severely—

Mr. FORBES. Especially going after the networks. Especially going after the networks.

Mr. OGLETREE [continuing]. And leaving the community intact. That is very important. So I think that example is a good one. They did not just target anyone who was in the neighborhood or anyone who ate at a restaurant. That is an example.

The mother who depends on the economics, that is the broken family, what we talk about in our report here. The broken family is part of the problem.

Another one that really is important, particularly for a place like Virginia, is the school system. The people who are in gangs are not in school, they are not at home, they are not under supervision, and it tells us those people who are finishing high school and going to college and who have a job are not in gangs.

And so we know the solution. We have to figure out how to balance dealing with the violence of the crime of gang members, but also try to be preventive. It is not either-or. I am not saying it is public safety or social capital, it is both, and the idea is the proper balance. But my sense is that it would be much better if that 14-year-old was not out of school, was not suspended or expelled, was not in a single family with no supervision, was not unemployable because he was arrested as a juvenile.

All of those things are preventable, and I just think that we really are not that far off in terms of our point of view, and my sense is that where you see a thousand gang members, I see a hundred, and I would rather we focus our resources on that 10 percent to address it substantively than to put in that group a lot of people who can be saved, who would be more productive as citizens.

No matter what we do, we cannot kill them all, they are all coming back. Whether they are 20 or 30 or 40, they are coming back, and so if we can prevent it on the front end, which I think you would not oppose, I think that is a solution that helps all the citizens of Virginia to be safe, more people finishing high school, more people employed and employable, and a much better community.

Mr. SCOTT. Thank you. I thank all of our witnesses.

The gentlelady from California?

Ms. WATERS. Thank you very much, Mr. Chairman.

I wanted to be at this hearing today, not so much that I wanted to learn more about gangs, but I wanted to be here because I am

trying to help you and this Committee educate the Members of Congress about how to approach dealing with these gang problems, and we have to get rid of the notion that you lock them up and you throw the key away, you get tougher, you give longer sentences, you create more laws, sending a signal to the public that you are tough on crime.

I really want us to do everything that we can—and I know this is what you are attempting to do—to try and formulate some good, sound, sensible public policy that is going to deal with these problems in a real way. We know that locking them up and throwing the key away has not solved anything, and so I am hopeful that through these hearings, we can get to basically what is the last paragraph of Mr. Ogletree's testimony that talks about trying to invest in human potential and to deal with developing the talents and possibilities of young people.

Let me just say for the sake of this Committee that each of you brings some interesting perspective on dealing with this issue, but there is one thing that you kind of fall into because I think it sounds good about the role that the faith-based community is playing in helping to deal with gangs and helping to solve problems.

I want to assure you that there are well-intended ministers and preachers who would like very much to solve this problem, but they do not have the resources to do it, and while they may have a march in the community to talk about taking back the community, they may even dedicate a Sunday to preaching about it, the gangsters are not in church, they are not in prayer meeting on Wednesday night, and the ministers are truly not in the public housing projects where the gangsters are.

So I want us not to think that somehow that we can rely on the faith-based community or the community to solve these problems. The communities are begging for help. They are begging for the system to do something substantive.

I listened to the Justice Department, and, you know, I was hoping this would not be the kind of hearing where you would feel the need to have to talk about how good you are and how much good you are doing and how you are dealing with the problem because really you are not. The Justice Department, in my estimation, is not doing a lot with prevention.

As a matter of fact, I am not so sure that the Justice Department is cooperating well enough with the local law enforcement authorities to do what it could be doing in dealing with getting some of the shot callers and the shooters off the streets so that we can deal with the others who have been described here in many different ways who have a lot of potential.

I have worked with gangs—the Crips, the Bloods, the Eight Trays, the Grey Streeters—in South Central Los Angeles since the 1980's. I know and understand the community of gangs, and I know and understand, as many have alluded to here today, that many of these are the children of families that are in deep trouble. I had public housing projects, and many of those parents were dead, in jail, addicted, out on crack cocaine, living with grandmothers, living nowhere because the laws are terrible as it relates to poor children.

Number one, in order to be on that lease after a certain age in public housing projects, it costs more money. So they were not on the list. They did not live anywhere. They lived in some of the vacant units with other gang members, and they had decided that truly was their family and that nobody really cared about them.

Then I started a program in all five of these public housing projects in South Central Los Angeles with Wagner Pfizer monies. I walked the public housing projects, and we recruited people to come to our training programs because we decided, we understood that in the public housing projects, for some reasons, they were treated differently than other parts of the city. The job training programs, private industry council programs did not get inside those public housing projects. So there was no job training going on.

We started to organize. We took over the gymnasiums. On the first day in Jordan Downs Housing Projects, I will never forget, we had a line around the corner, over 200 young people, who had responded to these flyers and to the talking and the walking that we had done about trying to change their lives.

We discovered a lot about them. All of them had experimented or were dealing with crack or marijuana or some form of narcotics. Surprisingly, many of them had graduated at that time from high school because they had not gotten down to the age that they are now, the 14-and 15-year-olds.

Many of them had not learned how to negotiate the employment system, had never been to personnel offices, none of that stuff. So we dealt with the old basic stuff of how you fill out applications, how you dress, what employers were expecting.

But this is another thing that we did. You cannot do job training without stipends and money for people to survive on while they are in training. The system does not want to put the money into training these young people. If you are going to train poor children, young men who have no money, you have to have food, and you have to have stipends for them to have some decent clothing, some haircuts, other kinds of things. We put the stipends into the program. We trained a lot of young people.

We discovered that the Howe Public Housing Project would get contractors from outside of the community. They would come in to lay cable and do other kinds of things, and the people who lived there did not have a shot or a chance of those jobs, and nobody connected them with the jobs. We finally said to the public housing authority, "You will bring no other people in from out of the community and from other cities to do these jobs without at least finding out what you have here and giving young people a chance to do the jobs."

We hooked up with AT&T when they first laid their cable. We got gang bangers hired on those jobs. I have never seen a happier group of young people. They put their bandanas on their head, they got down in those trenches, they dug those ditches, they laid that cable, they made money, and some of them moved out of public housing.

We went on to develop a fiber optics program at the Maxine Waters Employment Training Center that paid a lot of money, and those young people bought houses. A lot of them moved out. I have

seen a lot of deaths. I have been to funerals. But in all that we did in this training, we went to the jails at night. We ran out to Martin Luther King Hospital when shootings took place to see what was going on and to respond to families.

In addition to the training that we were doing about how to dress, how to fill out applications, what was expected of you, we had to do tattoo removal. We had to deal with the judges and the courts in order to remove the warrants and give people a chance to work them off because we discovered if you come in for this job training and you have warrants out there or you have not paid your traffic tickets, you cannot get to anybody's job. Part of that stuff has to be worked with.

So I am thankful for the faith-based organizations and others, but it takes money. It takes real job training. Gangsters want jobs, and this business about they are making so much money dealing with drugs is a myth. There are only a few people who make a lot of money. Most of these young people who ended up with crack cocaine that they ended up getting mandatory minimum sentencing on, which is absolutely nuts and crazy, were not making a lot of money. They were out there surviving.

So we have to change our thinking. Yes, there are some very, very bad folks out there who need to be locked up, but most of them are not. Given an opportunity, given a chance—we have in some of those high schools—60 percent of the students at Locke High are in foster homes, and so the system has to be dealt with. We have to provide the resources. We have to provide the support. We have to stop thinking we can lock everybody up.

So I am here today to say the next hearing, Mr. Chairman, I hope that we will bring in a whole room full of ex-gangsters and gangsters and put a face on them. Let's talk to them. Let's find out who their mamas and daddies are or were. Let's find out not only have been abandoned, how many have been abused sexually, physically, how many have slept out without a place to live and no food. They are angry at the system, and there is nothing worse than running into a poor, young, particularly Black males, who have seen their mothers abused, who have been abused, and you think if you put a gun in their hands, they are not going to shoot somebody. They will.

But we can prevent that if we are serious about investing in human potential. I like the way you describe it because we do not have the fancy sociological names for what is wrong with the kids, but you described it. I understood exactly what you were saying, and we need to take that kind of information and make it more available to people in ways that they understand.

Justice Department, how much money did you have in prevention?

Mr. O'CONNOR. I would not be able to give you an exact figure.

Ms. WATERS. But it was not a lot, was it?

Mr. O'CONNOR. Well, I know that we just sent \$1 million-plus to L.A. in particular in the anti-gang—

Ms. WATERS. One million dollars in L.A. is like a drop in the bucket.

Mr. O'CONNOR. I agree, Madam. I would say nationally it is well into the hundreds of millions of dollars.

Ms. WATERS. Well, let me tell you—he is trying to shut me up—it is not enough. So what we need for you to do is we need a Justice Department who will come in here and ask the President—I do not care who it is—to place in their budget some real money and some real resources to deal with prevention. Until the day that I see you come in saying this is how you can help us, then I do not know that you really do understand what the needs are.

So let me thank all of you for being here.

Mr. Ogletree, I think again everybody should read the Charles Hamilton Houston report that you just gave us and dwell on that last paragraph because I think it is so informative and it directs us.

And I thank you for your generosity. I just had to say that because I know this business. I have worked with it long enough. I understand it. Jobs, job training, and some investment will do the job.

Mr. SCOTT. Thank you.

The gentlelady's time has expired.

[Laughter.]

Mr. SCOTT. The gentleman from North Carolina?

Mr. COBLE. I am belayed, Mr. Chairman. I do not have any questions.

Mr. SCOTT. Well, thank you.

The gentlelady from Texas?

Ms. JACKSON LEE. Thank you.

I would like to associate myself with the Chairman of the full Committee's comments. This does, if you will, warrant a roundtable discussion, Mr. Flores, with many of those that you have spoken of.

Mr. SCOTT. Will the gentlelady suspend?

The Ranking Member and I have agreed to do a roundtable discussion. So, in response—actually, before the comment was made, we had been talking about that already—I think that will happen.

I apologize to the gentlelady.

Ms. JACKSON LEE. Let me start again, and I know the Chairman will yield me the extra time to compliment him—

[Laughter.]

Ms. JACKSON LEE [continuing]. And the Ranking Member for this format that would allow us to have a roundtable, and I would assume, Mr. Chairman, that we could engage some of the individuals that Mr. Flores may have commented on because all of us living in the real world, Professor Ogletree, have had our share, and although the time may not have been as extended, I am reminded of the intensity of gang warfare when the so-called 1994 crime bill came out, and that was supposed to be relief, R-E-L-I-E-F, and I think we found out that it was not.

I was then a Houston City councilmember that engaged with the gangs in our community in discussions, in calls, gang meetings, if you will. Guys come in and let's face to face. I remember there was a great deal of humor about the midnight basketball. In fact, I think it extinguished itself as a joke. Frankly, there was value to that. Those folks were off the street talking to each other, seeing role models.

So I want to just pursue this line of questioning and will try to have all this merged in to my thoughts.

This is a brilliant piece, Professor Ogletree. It is something that I will pull out of this big notebook and really try to frame the framework. Let me give some suggestions, if you would comment on them.

When we begin in this new Administration that will have a new President—I would perceive that the President would be a graduate of the Harvard Law School. That means he is by the very nature bright, among others—but as we look toward the economic piece, we will be doing a rebuilding of the Nation's infrastructure. We will be doing large transit projects. Why can't we be creative and actually write into the legislation that the workforce should come from, a certain percentage thereof, individuals of this definition? Write it into the law.

The second suggestion is no one even knows that we have provisions in the law, Mr. O'Connor, that talk about reporting stolen or lost guns. Do you know that there are State legislators who are asking me, "Is there such a bill?" because no one is enforcing whether or not local jurisdictions are, in fact, reporting lost or stolen guns, which fuels the fires of gangs. That is how they get most of their weapons. That is how they market them down to the border. They are stolen or lost, and there is no enforcement.

That does not get necessarily to the question of whether or not we are unfairly incarcerating teenagers. That really is outside of that and would be a helpful piece of that if we looked at it in the right way. So let me pose these questions to you.

First of all, I want to recite in Mr. O'Connor's testimony. And I understand that you are working with the tools that you have, but here is what the Justice Department is doing: FBI-led Safe Streets Violent Crime Task Force, Violent Gang Task Force, the combination of the Violent Crime Impact Teams. We have something called RAGE. Can you imagine? RAGE. This is a force established by the ATF and Prince George's County Policy and the FBI. The police forces' RAGE. This is something that comes down upon our children.

And so I would like, Mr. O'Connor, if you would read this, my question to you would be if we found other solutions, would the Justice Department then have the data to up its monies on prevention? I think what you want is to see the crime stop.

I think that the Justice Department is the place of last resort that people cry to and look to and say, "Why isn't the Government doing anything?" and so you form all these task forces that, frankly, do not work because, if they did, from 1994 to 2008 when they passed that 1994 bill, we would see a magnificent change, would we not? We would see numbers that Professor Ogletree did not see.

So quickly, Professor Ogletree, you mentioned two points. "Public opinion data strongly suggests that people living in the United States are far more likely to support education prevention strategies for youth rather than prosecution," number one, and then the suppression, "suppression policies and expansive law enforcement power have not proven effective," and then you proceed on (E) that talks about how it comes down on the people of color.

Would you just comment?

And I will go to you, Mr. O'Connor, as the person that people look to say, "Why aren't you doing more?" to tell me whether or not you would, one, read this extensively and, two, be able to get rid of all these RAGE task forces if we found data to support the premise of this.

Professor Ogletree?

Mr. OGLETREE. Thank you, Congresswoman Sheila Jackson Lee. I am very happy to respond.

I want to say a word first about the FBI and the Department of Justice, and I think you and Congresswoman Maxine Waters hit on an important point, and I think it is fair for the Department of Justice to say—they may say—"That is not our business."

If your business is only to be involved in fighting crime, we should know that because Congress keeps offering them opportunities to come to get money, and they keep saying, "We have enough for what we are doing." I think it is important to get an answer, and maybe the answer is, "That is not our business. We do not do that prevention stuff. We are fighting crime." It would help us to know.

In terms of what we are doing, what the reports say, let me respond to the first thing. One of the important examples of social capital is that we have to figure out how to find a way to employ, not over other employable people, but to employ the hundreds of thousands of men who have served their time and who are coming out of prison and who need a chance to work somewhere.

Let me give you an example. When we talk about crime, if you look at Houston, New Orleans, Oakland, and Newark, what is interesting about those four places, are ports, ports that employ thousands of people, and that the terrorism law now prohibits even the consideration of anyone. The question is whether or not Congress will, if you really want a solution, look at whether or not somebody can paint a fence or cut some grass or do something that does not undermine national security, whatever it might be, because that is a place that we are not going to reduce employment, we are going to increase employment, and what a better way to start training people.

The Second Chance Act that—not the one that was passed, but the one that you may recall a decade ago—Mayer Ed Koch and Reverend Al Sharpton and I came and talked about that 10 years ago. What you passed was not what we proposed. It was looking at prior offenders, making them go through drug treatment, making them prove that they are eligible for employment, and then they would not be rejected. That is exactly right, and that is the second point.

The final point is that the public really wants to be safe.

Ms. JACKSON LEE. I am sorry. Would you agree then that in major infrastructure and in funding legislation dealing with job creation, we should consider a piece that directly—you know, we have goals for minority businesses and make sure there is no discrimination because these are Federal funds—goes ahead and targets that segment of the population?

Mr. OGLETREE. Indeed. In fact, as you know, we have goals in our funding for Iraq to make sure that that money goes to Iraqi citizens. There is an affirmative step there. And it seems to me

here is the example where we can do something that is forward looking by saying, rather than knowing that the opportunity costs of having you back in prison, we are going to continue to work not paying much, but paying enough to make it productive as one of those goals, and the public will be happy to know that their tax dollars are not going to incarcerate somebody. They are going to make them employable, law-abiding, productive citizens.

I think that is a very good idea, and I think it is the kind of thing that as Congress, not being soft on crime, being tough on crime, punish souls and send them to jail, but when people get out, make sure they can be productive parts of the community, and I think that is a very important forward-looking idea, and that is what we talk about in the report.

And it is not one or the other. We are saying it is both. You have to be tough on crime, focus on the worst criminals, but also find a way to be preventive so that you do not increase that list and be proud of the fact that we have not one million in the 20th century, but two million people in jail. That is not progress. That is a sign of a failed system, and I think we need to recognize it and figure out how to fix that failure.

Ms. JACKSON LEE. Mr. O'Connor, reading this and, also, if we found that the data in here would support another way to handle this increasing crisis in juvenile crime or gangs, the Justice Department has a preventative element to it, would you work with the Congress? Would you believe the Justice Department—because, obviously, you are here at this timeframe. We do not know what your future is—would be able to work with us on this matter?

Mr. O'CONNOR. The department would be certainly willing to work on any prevention-related programs. I mean, I think, if I may, with the Chairman's deference answer one thing, I do not know where these task forces get their names, I certainly do not come up with them, but that is not about prevention, unfortunately. That is after a police chief—

Ms. JACKSON LEE. You are right.

Mr. O'CONNOR [continuing]. Or a mayor has come to us and said, "There have been 15 homicides. Help. Help us find out who did this and get them off the streets."

I looked around my office in Connecticut when I got one of those calls. I do not have one social worker in the U.S. attorney's office in Connecticut. I do have 75 prosecutors and teams of FBI agents, and I think it is just important to understand that when it comes to prevention, the department's role is funding prevention efforts by others, not preventing it itself. We do not have social workers we send into communities. We look for people who are on the ground and do that.

So I cannot commit to saying we will not have task forces. The public expects that, the mayors, the governors, the congressmen, anyone who is concerned, community groups. We have to do that, and I think that challenge for us is to be able to do both, to continue to fund the many prevention programs, some of which were talked about here, but at the same time be able to adequately respond to crimes after they occur.

Ms. JACKSON LEE. But I think what you are saying—and I will conclude on this—is—

Mr. SCOTT. If the gentlelady will suspend, we have a markup that has been scheduled, and we want to do that, and then we will come back to finish up the questions.

Ms. JACKSON LEE. I will conclude my sentence, and then I will yield back.

Mr. SCOTT. Go ahead.

Ms. JACKSON LEE. And thank you, Mr. Chairman, for your indulgence.

Let me just conclude by saying how I interpret what you have just said, is, one, you will read this document, but there is a prevention component in the Justice Department, and so Congress can give the Justice Department more money, and you would be collaborative.

I think the final word is if the crime of 15 homicides did not occur in that jurisdiction that you are speaking of, they would be just as accepting of the prevention dollars to not have those already homicides, and that is what we want to do, get in front of it to help these gang members get out of what they are doing and to solve these problems ahead of time.

I yield back, Mr. Chairman.

Mr. SCOTT. Thank you.

And we are going to suspend the questions for just a minute. We had some previously scheduled business.

[MARKUP]

Mr. SCOTT. With that, the markup is concluded, and we will resume the questioning of the witnesses.

Does the gentleman from Ohio have questions?

The gentleman from New York?

The gentlelady from Wisconsin?

Just for a very brief second round, I would like to ask Mr. O'Connor a question. We have heard several references to the Second Chance, to how to deal with returning people who have served their time. We passed the Second Chance Act. Obviously, the way the Federal Government works, you cannot possibly have gotten any rules and regulations to implement the bill yet. Could you tell us the status of the implementation of the Second Chance Act?

Mr. O'CONNOR. Mr. Chairman, I do not know, but I certainly can get back to you.

Mr. SCOTT. If you could provide that for the record——

Mr. O'CONNOR. I will.

Mr. SCOTT [continuing]. We would appreciate it.

And you mentioned that all the U.S. attorneys had gang prevention summits. Do you have the information gleaned from those summits?

Mr. O'CONNOR. I do not know if there was any sort of formal effort to coordinate whatever information was gleaned. I can certainly check back with the Executive Office of U.S. Attorneys and get back to you. I suspect that every district at least reported back in writing as to what they did, who participated, but beyond that, I just do not know. But we can find that out for you.

Mr. SCOTT. Thank you.

And for Dr. Straub and Major Buckovich, the Youth PROMISE Act contains a provision we call the YOPs, youth-oriented policing.

Are there strategies the police departments can use to more effectively deal with juvenile crime?

Mr. STRAUB. Mr. Chairman, the youth police initiative that I spoke about in White Plains deals just with that issue, and I applaud your work on the Youth PROMISE Act. Clearly—and a number of people have spoken about it—one of the biggest issues is building relationships with at-risk youth between the police and those youth. If there is not an opportunity for them to discuss very difficult important issues—race, violence, respect—those conversations never happen. We never have the chance for de-escalation. We never have the opportunity for either side—and I hate to say either side—to come to an understanding of each other.

So I think the youth police initiative, which has been very, very effective in White Plains and now is being replicated in a number of cities, provides that opportunity to bring at-risk young men and women together with police officers to have those very serious discussions that typically as a society we do not want to have. We do not want to talk about race, we do not want to talk about respect, we do not want to talk about violence, and unless we bring the parties together and have those conversations, in my opinion, we are not going anywhere.

Mr. BUKOVICH. And I agree. I think we have a window of opportunity with youth between about ages 17 and 14 or 14½ to really make an impact. I think it is between those ages where they start to, especially youth in high-risk communities or who are at high risk, have interactions with the police, sometimes negative, and I think that we need strategies, when we are presented with those opportunities, to try to impact them in a positive way.

I know that certainly in Richmond we are constantly looking for ways to provide positive role models for the youth, whether it is through sports, such as our police athletic league, or through some of our truancy prevention programs, to really put police in contact with these at-risk youth.

Ms. WATERS. Will the gentleman yield?

Mr. SCOTT. I yield.

Ms. WATERS. Mr. Chairman, the perception of the police officer is developed on the street, and it is not that you get a group of kids together and begin to talk with them. It is how you treat them on the street.

When you have 14-, 15-, and 16-year-olds who are getting into trouble for the first time and they are made to lie on the sidewalk, they are handcuffed, they are thrown up against the car, they internalize what they are being told by others, that the police hate them, they are racist, they do not like them, on and on and on.

There was an incident in one of my communities where some 13-year-olds were literally breaking into a vacant house on the block. I knew the police, the sheriffs. They were called. I met them over there. They picked up the young people. I asked the sheriffs to please let's get their addresses, let's go to their homes.

I went with them to their homes. The parents were shocked. They did not have any idea that this is what these kids had been doing, but I have since been in touch with them over the years. All of these young people are doing fine.

Mr. SCOTT. Would the gentlelady suspend? My time has expired. On this round, we are going to keep very close to the actual time. My time has expired.

It is the gentlelady from California's time. You are recognized for 5 minutes.

Ms. WATERS. Thank you. And I will yield back my time to you, Mr. Chairman.

But let me just say what those parents have told us is that having been apprehended and brought home probably did more in teaching them the lesson of not breaking into a house, not going on the other property. It left a great impression about the police who came to their homes, brought them home, instead of taking them to jail.

So I just wanted to say that because I respect the idea that you are trying to build relationships and you talk about getting kids together and talking to them, but it really does not happen that way. It happens based on how they are treated with their early contacts with the police.

The statistics are such that by the time an African-American male is 17 years old, he has been in touch with the police at least—I think it is, Mr. Ogletree, at least two or three times—and those experiences are what really helps them to understand or think they understand who the police are and what they are all about.

So, if I can suggest when you talk about policing and youth—first of all, I like intervention programs and prevention programs, which the Justice Department used to have. I do not know if they have them anymore—when kids get in trouble for the first time, they are not taken to jail. There are alternative ways to deal with them in the community.

That does more in developing relationships than going to even a church where they have gathered a group of kids to talk to because usually those are not the kids that need the talking to.

I yield to the Chairman.

Mr. SCOTT. Thank you.

I did have another question that I wanted to get in, and that is that the Juvenile Justice Delinquency Prevention Act requires us to focus on disproportionate minority confinement.

The chart over here shows the present gang-related statutes. The red bars are the percentage in the various statutes that are minorities where it shows, obviously, that a disproportionate number of minorities are prosecuted under those gang statutes.

My question is what passage of some of the alternative get-tough bill would do to minority confinement first, then the definition of gang, and also the conduct of a trial that allows a prosecutor to bring in all kinds of community crime and mayhem. The suppression bill says part of the definition of a gang member involves people who have committed, not convicted of, committed crimes which allows you essentially to try that case along with everything else in the trial in chief, what that might do to disproportionate minority confinement.

Mr. Ogletree?

Mr. OGLETREE. The one obvious thing it will do, Congressman Scott, looking at that chart is that it will go off the chart. I mean, the numbers will be so catastrophic that you will not even be able

to confine the rate of disparity based on race in terms of how youth are being treated in our system.

The disparities are national, but, ironically, they are not geographic. When I say that, it is not a southern problem. You will find it in the Northeast. You will find it in the Midwest. You will find it in North and South. Even when there are small concentrations of minority communities, the overrepresentation of children of color in this system is growing exponentially.

We have identified some of the problems. Some of the problems are that these kids are being suspended and expelled from schools. That is that the educational system has become part of the criminal justice system. There are police on the property. There is a whole security apparatus. A police officer has usually unfettered discretion to decide who stays in school, who is suspended, who is expelled, and when they are out of school, they are out of school not just for the day, but until their case is resolved, which means they miss 6 months in school, and then they cannot repeat that grade.

So this is a problem where we know there is a solution, and the juvenile court judges are calling us asking for help, superintendents are calling us, teachers are calling us. They all are saying there is a problem with these statutes that require judges to have no role, and the only role is the police officer on the school grounds, and it creates this kind of disparity, and it only makes the overrepresentation of children of color even greater in our system.

Mr. SCOTT. Thank you.

The gentlelady from Texas?

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

And let me continue the line of questioning and thought processes that we have had.

And, Professor Ogletree, what I would offer is to use Harris County as a laboratory, and the reason I say that is because using State laws, our juvenile court system has discretion, and what we have found unscientifically is that more youngsters of the majority population—of course, that is, you know, somewhat of a metaphor now because who knows who the majority is—who are Anglos are sent home or parents are called versus Hispanic and African-American youth.

Might I also suggest that in this economic market, this crisis where adults are competing for the typical youth positions, summer jobs at our franchises where you could always count on getting your summer job, and the loss, for example, in our community of a major entertainment center, like a Coney Island, which has been lost or whatever in New York, which used to be a central spot for hiring of our youth, is gone.

So the scheme of things has turned upside down and, therefore, where do they go and what do they do? So a child that gets out of school who has no history of criminal activities, the long, hot summer, drives them, unfortunately, into a circumstance that may alter their life.

And let me add one other point. I remember having Senator Paul Wellstone during his life visit—I will use Harris County—in our juvenile detention facility where he found, just by conversation as we were walking through, numbers of young people who had mental

health needs that are now being detained in these facilities, and the mixture of volatility and criminal activity and someone who needs some other kind of help only sends that youngster out on the street again, not finding the services that they need.

So I would want to ask you to comment on this whole question of a comprehensive approach to services. I think we spoke earlier about jobs, but the fact that we have turned this society upside down. There is not a nurturing and caring society. We are so frightened by this potential of gang warfare—and, certainly, gangs have guns, and I know police persons are frightened of their lives as they project the image of gangs—and so suppression and using these heavy laws do not leave any pathway, if you will, for some of the thoughts that you made, if you would comment on that.

And, Mr. Flores, if you would comment, what would happen if we turned the corner and had a massive structure of mental health services, employment—I think Professor Ogletree mentioned riding ourselves of stigma, but if they are as young as 13 or 14, we might not be stigmatized totally yet—but anyhow moving them in that direction. I am not sure if you are familiar with MS-13, but I think I would like to make sure that we distinguish ourselves for some of the sort of hardened track that people tend to go on after they graduate from these baby crimes.

Professor Ogletree?

Mr. OGLETREE. Thank you.

Let me just say one thing taking a step back. The research that we do suggests something very different than what I have heard today. That is if we are looking at people who are 14 to 17, that is too late. We have to look at them at 9 years old to 13 when we still have a chance to keep them in school, keep them from dropping out, have a network there. So I think we have to, unfortunately, step back in a real sense and make a difference.

And then some of the data—the mental health is just pervasive. We looked at a number of States, and many of the Black and Brown boys in particular in the juvenile justice system, almost two-thirds, have some mental health crisis that has been undiagnosed—too quiet, too active, those with ADHD and a whole series of other medical mental health issues that are being ignored, and, in fact, they have become aggravating rather than mitigating circumstances because, instead of trying to treat those, they become reason to detain, et cetera, as opposed to trying to find the right facility. So that is a very important issue to study.

Having said all that, there is some good news. My wife, Pam Ogletree, is the president and CEO of something called Children's Services of Roxbury. It is very like many other programs dealing with child welfare, but on their own, the young people started a group called YPP, youth-to-police partnership, and these are the young people who have been harassed by police, who could not get along with police, and they have decided to tell them why I run when you come after me, why I do not want to talk to you on the streets, and it is really a remarkable thing because they are out in the streets talking to other youth, "Do not be afraid. Come to us because we need to work with ways the police can be much more effective."

Harris County is a very good example as well. There is good anecdotal data, but there is a big enough set of data. If we could have access to that to talk about both, how the young people are in the system earlier and how to increase the ideas of discretion, and it really seemed that everything we are talking about today is tied to the educational system.

If we want to fix the issue of gangs, fix the issue of criminal justice, juvenile justice, we must first start with saying the school system is a haven of peace, educational opportunity, and of opportunity to move forward. If we do not do that, no matter what we do, we are going to find ourselves talking about another violent shooting. We are going to have that happen because we have not addressed the fundamental problem of making the educational system safe for our children and making them feel that they are protected.

Ms. JACKSON LEE. Mr. Flores, can you just quickly answer? I will just put it this way. Intervention—would that be a positive step on some of these gangs for youngsters who are as young as 9 years old and jobs for that age group that may be 14 to 17?

Mr. FLORES. Well, first, for your first question about affiliation with MS, I do have a long history with—

Ms. JACKSON LEE. I did not ask you about your affiliation.

Mr. FLORES. No, not my affiliation, rather my—

Ms. JACKSON LEE. Your knowledge.

Mr. FLORES. The knowledge of them and, actually, and, you know, my family varies with people from different gangs, so I am not going to say who is from where, right.

Ms. JACKSON LEE. Absolutely.

Mr. FLORES. But I think I am very knowledgeable of what they do and who they are.

I think that intervention at the early age is very important, but I think what also is important is that even at an early age, as an 8-year-old, 9-year-old, you already have a sort of vision of like a cop or of a police officer or anything like that. So even at an early age, you might be refrained from going into these programs that are run maybe by a police station or are run maybe by, you know, the Department of Justice or whatever it is that they are run by.

So I think also the importance is for these departments to look for people who look like them, right, and I think that is a key that is a success to organizations in which I work with in Los Angeles, is looking for people that also look like them so those barriers can be broken down already, of course, because there are a lot of kids already afraid.

I have a 3-year-old son that already knows to be scared of a cop. I do not know where he got it from. I know I am not teaching him that, but, you know, me not being with his mother and he is into the police, I do not know what he is learning over there, right, in terms of knowledge of police or whatever not.

So I think in order to break these barriers down, we have to use different methods, searching for people that look like them, and that is one of the keys that happened the transformation that I had, as well as transformation of other gang members that I know, is that there were people that looked exactly like them, but they were giving them different information, rather than the informa-

tion that is being kicked or being brought in by, you know, gang organizations or whatever you want to call them.

Mr. SCOTT. Thank you.

The gentlelady's time has expired.

The gentleman from Georgia?

Mr. JOHNSON. Thank you, Mr. Chairman.

Members of the panel, last week, the Bureau of Labor Statistics released data on the unemployment situation in May, and to make a long story short, a net loss of 49,000 jobs for the month of May, 324,000 jobs lost so far this year. So unemployment has risen at the highest rate the last 20 years. Housing foreclosures are rampant, and people are losing their homes. The economic situation is tight.

How does the uncertainty of our economic posture—and it is really getting bleaker every day, gas prices going up every day, record highs—what impact does this economic condition, which is deteriorating, have on the prospects for gang development, starting with you, Professor Ogletree?

And I would say of there could be a connection between the economic conditions and the rise of gang affiliation, does it make sense to continue to lock people up, or should we do more in terms of social services?

Mr. OGLETREE. Well, Congressman Johnson, you are absolutely right, and you and I both as lawyers and particularly working in this system have seen the impact of the lack of education, lack of employment, and it is even tougher with people who have gone through the system, which means they have a record, they cannot get a job, they are not eligible. That becomes a huge problem.

The other point that has impact not just to young people, but these loss of jobs of their parents. Jobs are being moved away. It is a huge problem that is being exacerbated by the current economic environment and foreclosure of homes. All that.

And the interesting thing is that it is not just a race issue. This is striking poor White families, the urban families, whether they are Black or White or Brown, and I think it is a problem that I hope that not only this Congress, but the next Administration will focus on. It is one of the pink elephants in the room that here we are, we are called jobs, that means we have people on the street.

Washington, D.C., tonight, it is probably 90 degrees outside or hotter. It will be 85 tonight at 11:00, and there are a lot of young people that are going to be walking the streets, not because they are looking for trouble. There is no air conditioning in the house, there is nothing else to do, and they become targets, and we are witnessing right now the very problem that we are talking about here in our Nation's capital.

And if we do not see that these kids who cannot get a job, who do not have a home with air conditioning, who are not in school, then we are the problem, and labeling them all as gang leaders is not going to answer it, and I think your idea of looking at these unemployment statistics, looking at this subprime lending and foreclosures tells us it is not a Black problem or a Brown problem, it is an American problem.

I hope even though we are talking about gangs, if we want to solve the problem, we need solutions that address the whole family

and the whole community. That is what we have not done in a comprehensive and meaningful way.

Mr. STRAUB. I think the other thing that we are going to see is a tremendous amount of frustration which is going to further exacerbate the existing problems.

One of the issues that we really have not talked about at all is the whole issue of domestic violence, and I think as we see people become unemployed, as we see people lose their homes, as we see tremendous frustration levels build, there is going to be a propensity to increased—and we have seen it already in White Plains—incidents of domestic violence, and that is a whole series of issues.

It is not just the partners that are involved, but it is the children who witness violence in their home, and what does that say to them as they go forth in their development, having witnessed mother, father or other partner type relationships where there is violence, and I think that is something that we are not talking about. We are talking about kids on the street or we are talking about these issues, but domestic violence, I think, is just something that clearly is going to be very much aggravated by the dire economic situation that we are looking at.

Mr. BUKOVICH. I think another important factor is communications between confinement facilities and re-entry teams. As these gang members come back to their neighborhoods where the job opportunities are even less than when they were confined that there has to be information sharing between the confinement facilities and the intervention and re-entry teams that are trying to get these gang members that have a host of issues back into their neighborhoods.

And also the programs have to address the parents. You cannot just focus on the youth, but the programs have to address the parents, parenting issues, and economic issues that the parents are facing when the child comes back into their home.

Mr. FLORES. I think that the unemployment issue is huge and is creating larger gangs, if you want to call it, because I think that a lot of these gang members are young members. Their parents are being laid off, right, and I think that that also pushes more young people, even people in high schools, to look for jobs, and I think that it is important for someone in high school to not be thinking about a job, right, to more be thinking about his or her education rather than thinking about a job, and unemployment is a huge issue that is affecting the large number of the gang growth and things like that.

And I think one of the things that Maxine Waters talked about was stipends. I work in an organization that we stipend our young people for coming to school, and I think if we had more programs like that, it would alleviate some of that, some of the reasons why unemployment is affecting this issue.

Mr. O'CONNOR. I mean, I think it is undisputed that there is an economic link to crime rates. Just for the sake of time, I do not have much more to add than that, but, certainly, that is a factor in anyone's mind, that as the economic forecast appears, one has to be sensitive to the link there.

I am not a social scientist, and I could not be precise, but it goes without saying that that would certainly heighten any concerns,

any prosecutor's concerns. It is going to create an environment where people tend to be more angry. Anger tends to spout more violence.

Mr. MACY. I think it is a wonderful connection you are making because I think it is no accident that the Subcommittee is titled Crime, Terrorism, and Homeland Security, and I am not an alarmist nor am I a conspiracy theorist, but having worked in the Middle East over the last 7 years and asked to come and look at the destruction, the psychosocial degradation after the second Lebanese war, if you are familiar with the role that Hezbollah played in that war, and we saw from the media standpoint how onerous and terrible it was that the citizens of Lebanon harbored the Hezbollah militants.

But, in fact, were you to take a closer look, Hezbollah, which is organized around violent gang principles, is, in fact, the social service structure for the Country of Lebanon. So they get Lebanese children to school. They get the Lebanese families essentially health insurance. They are the ones that actually back the poorest of the citizens.

It is no mistake, in my consultancy work with the Department of Homeland Security in New Jersey, they are looking at similar recruitment tactics, and I think it plays out probably more than just in New Jersey where these, as Committee Member Forbes terms them, networks of gangs are looking to take care of younger folks because, at this point, there is a gap between how our Government and our State and municipalities are unable to take care of them. They slip right into that gap very quickly and offer a false sense of security and safety.

And so I think we have a bigger issue on our hand than just increased violence. I think we have a security issue in the long run, and I think that we are not going to arrest our way out of this. We are going to have to put significant funding on the table for psychosocial servicing that is broadband and includes biopsychosocial approaches and includes mental health services, along with looking at justice for the disproportionate minorities who are incarcerated.

Mr. JOHNSON. Thank you.

Mr. SCOTT. Thank you.

Has the gentleman finished his questions?

Thank you.

I want to thank all of our witnesses for their testimony today. We have heard about the importance of long-term solutions. We heard about domestic violence.

One of the things that we have had from other hearings is the success of nurse-family partnerships who deal with newborns, family with newborns, and it is my understanding that by the nurses coming and visiting, working with the family through the last few months of pregnancy, first year of life, that 18 years later, children in that program are significantly less likely to get in trouble.

I think it says domestic violence could be reduced, child abuse certainly would be reduced, and we know there is a strong correlation between child abuse and future violence. So we know we have to take a long-term approach, and we heard through the entire hearing that the criminal code has enough in it to deal with the serious crimes.

We heard an example of a gang member cut somebody's arm off. Well, I think every State has a criminal code sufficient to deal severely with someone who chops somebody's arm off, but we have heard not only how effective prevention strategies can be, but that the suppression strategy is not only ineffective in reducing future crimes, it is made situations counterproductive, that it actually may lead to more gangs.

And we lock up already more people proportionally than anywhere else on earth. This chart shows the United States number one in the world, and the minority community getting locked up at rates that would justify an international human rights investigation that you would target a community with rates such as the one shown on that chart—2,200 per 100,000 in the minority community; the far right Brown line, almost 4,000; the top 10 States in minority confinement, 4,000 per 100,000—when most countries lock up between 50 and 200 per 100,000.

So, obviously, the criminal justice system is doing all it can do, but what the chart also reminds us of is that the Children's Defense Fund calls the present system the cradle-to-prison pipeline. We know, as Professor Ogletree has said, if we get people in the cradle-to-college pipeline, those children will not be getting in trouble.

So we want to thank all of our witnesses for your testimony.

Members may have additional written questions for our witnesses, which will forward to you and ask that you answer as promptly as you can so the answers may be part of the record.

Without objection, the hearing record will remain open for 1 week for the submission of additional materials.

Without objection, the Committee now stands adjourned.

[Whereupon, at 4:12 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE
JUDICIARY

Today, the Subcommittee is holding the third hearing this Congress on what approaches work to stop gang crime.

Some think that the most effective approach is to enact more laws that would result in more people being locked up. Others support programs that help prevent young people from getting involved with gangs in the first place.

I hope that today's witnesses will address both approaches and help guide us in determining what will best stem the tide of gangs. To that end, I have three suggestions.

First, I believe it is particularly important that we address the fundamental reason why young people are drawn to gangs. We need to understand why our youth often feel more of an allegiance to their gang than they do to their own families.

Second, we must not ignore how communities are impacted by gang crime. Whether you live in urban or rural America, you have the right to feel safe from violence in your home.

However, feeling safe in your home should not mean locking up every young person and throwing away the key. We need to find a balance that aims for the best result for our young people as well as for the communities where they live.

As Professor Olgetree's recent study points out, we spend anywhere from \$35,000 to \$70,000 a year to incarcerate a juvenile in this country. A recent Pew Foundation study points out that 1 in every 100 Americans are now behind bars, with 1 in every 9 young black males behind bars.

Regardless of whether your motivation is to save money or to save lives, we should reflect upon whether our resources are being used wisely by sending so many people to prison.

And, third, while it is critical to address gang crime, we must do so in a way that will not sacrifice basic principles of fairness and justice. We must deal with gangs in a way that does not lead to racial or age-related profiling, with disproportionate numbers of young Americans being unnecessarily funneled through the criminal justice system based on their race or ethnicity, or on their youth.

More broadly, we should not be so quick to throw away our young people. The Supreme Court has acknowledged that there are fundamental differences between adults and adolescents that impact the way a young person thinks and reasons. We should also acknowledge these differences as we consider how to deal with gangs.

With that said, I'd like to thank each of the witnesses for agreeing to appear before us today. I look forward to hearing your testimony and working with you to develop positive solutions to our gang problems.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, SUBCOMMITTEE ON CRIME,
TERRORISM, AND HOMELAND SECURITY

Thank you, Chairman Scott for convening today's very important hearing addressing gangs. Specifically, this hearing will focus on determining an appropriate response to gang crime in the United States. Witnesses will discuss alternative approaches to stemming violence, the effectiveness of various approaches and the appropriateness of federal law enforcement in criminal activity traditionally addressed

by the states. Although there are several gang bills currently before Congress, those are not the primary focus of today's hearing.

Today's hearing will focus primarily on the Charles Hamilton Houston Institute for Race and Justice (Harvard Law School) report, *No More Children Left Behind*, which assesses the most comprehensive and up to date studies on the issue of evidenced-based crime reduction strategies, and applies the information to the major legislative efforts pending in the Congress to address the issue. Witnesses will also address law enforcement approaches to addressing crime, and their effectiveness.

There will be a single panel of witnesses. Professor Charles Ogletree, Jr, Professor and Director of the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School will present findings from their report released in March 2008, entitled, *No More Children Left Behind Bars*. This survey report reviewed current research about child development and educational interventions in an effort to curb youth violence and gang affiliation.

Ely Flores, a former gang member turned community activist, will testify about his work at LA CAUSA YouthBuild (Los Angeles Communities Advocating for Unity Social Justice and Action). Mr. Flores urges members of Congress not to give up on gang members, but instead to look for ways to incorporate them into functioning within the legal social structure.

Dr. Robert D. Macy, Ph.D., founded the Boston Children's Foundation, a public charity, to address the ongoing gang violence and suicides in the 56,000 children enrolled in Boston Public Schools, will testify about anxiety disorders and traumatic stress disorders, the basis for much of the maladaptive gang behavior, which are highly amenable to treatment.

Dr. Frank Straub, Ph.D., Commissioner of Public Safety for the City of White Plains, NY, watched as his city became gentrified, and how that affected crime and gang activity. Ultimately the police department and the city's youth bureau partnered with the North American Family Institute (NAFI), a Massachusetts-based social service organization, to develop and implement a successful program to reduce violence and improve community relations.

Major John Buckovich, Richmond Police Department, will testify about the GRIP program (Gang Reduction and Intervention Program). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) allocated 2.5 million dollars to four pilot cities: Richmond, Virginia; Los Angeles, California; Milwaukee, WI; and North Miami Beach, FL. The police department works in conjunction with multiple private and public organizations to focus on: primary and secondary prevention, intervention and lastly, direct gang suppression. Richmond has seen as decrease in the amount of violent crime by 24% since 2006, and homicides have decreased from 86 in 2005 to 55 in 2007.

The FBI's Uniform Crime Reporting Program indicates that violent crime specifically robberies, homicides, and aggravated assaults has increased 1.9% over 2006; whereas some types of crime rapes, burglaries and auto thefts have continued to fall. The overall crime rate violent crime and non-violent crime considered together is the lowest it has been in 30 years. The top five cities suffering from crime increases are St. Louis, MO, Detroit, MI, Flint, MI, Compton, CA, and Camden, NJ.

Some crime experts suggest that the increase in violent crime is linked to an increase in juvenile crime, specifically gang crime. In Oakland, police officials attribute recent rises to an uptick in Latino gang violence, more turf wars between drug gangs and an increase in violence among juveniles who escalate minor disputes to homicide. However, other experts disagree that gang activity is on the rise. According to a recently-released report from the Justice Policy Institute (JPI):

There are fewer gang members in the United States today than there were a decade ago, and there is no evidence that gang activity is growing . . . the most recent comprehensive law enforcement estimate indicates that youth gang membership fell from 850,000 in 1996 to 760,000 in 2004 and that the proportion of jurisdictions reporting gang problems has dropped substantially.


Researchers Kevin Pranis and Judith Greene, authors of the JPI report, conducted a literature survey of all gang research. They found, that there is no consistent relationship between law enforcement measures of gang activity and crime trends. For example, an analysis of gang membership and crime data from North Carolina found that most jurisdictions reporting growth in gang membership also reported falling crime rates. Dallas neighborhoods targeted for gang suppression activities reported both a drop in gang crime and an increase in violent crime.

Some believe that demography has played a role in the crime increase. Some cities with rising juvenile populations are experiencing a rise in juvenile crime. In other cities, criminals are being released from prison after serving lengthy sentences imposed in the 80's and 90's. Often these newly released people never received treat-

ment while incarcerated and there are few, if any, services available to them on the outside.

Another explanation for the violent crime increase is diminished federal funding of local police forces. For example, under President Clinton the COPS program reached a high of \$2.5 billion; in comparison to 2006 federal funding which was \$894 million. The change in funding priorities is attributed to increased funding for terrorism instead of bread-and-butter crime fighting, according to Los Angeles Police Chief Bill Bratton, past president of the Police Executive Research Forum.

Again, I welcome today's witnesses. I yield the remainder of my time.



WASHINGTON
LEGISLATIVE OFFICE



June 9, 2008

The Honorable Robert C. Scott
Chair, Subcommittee on Crime, Terrorism, and Homeland Security
Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Louie Gohmert
Ranking Member, Subcommittee on Crime, Terrorism, and Homeland
Security
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TREASURER

Re: ACLU Supports H.R. 3846, the Youth PROMISE Act

Dear Chairman Scott and Ranking Member Gohmert,

On behalf of the American Civil Liberties Union, a non-partisan organization with hundreds of thousands of activists and members and 53 affiliates nationwide, we applaud the House Judiciary Subcommittee on Crime for holding an important and timely hearing on Tuesday, June 10 that will examine effective strategies to address the problem of gangs and youth violence in our communities.

We also write to once again express our strong support for H.R. 3846, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education ("Youth PROMISE") Act. This legislation offers the strongest hope for reducing juvenile delinquency and criminal street gang activity by providing communities with the resources to implement comprehensive prevention and intervention strategies.

The Youth PROMISE Act is unique among proposals being considered in Congress aimed at curbing youth violence. Several of the other gangs bills that have been introduced in Congress result in federalizing ordinary street crime that should be handled at the state level. Rather than funneling more young people into the juvenile and criminal justice systems, the Youth PROMISE Act builds upon evidence-based practices that have been proven to reduce rates of violence and delinquency. The most recent Bureau of Justice Statistics figures indicate that annual spending on costs associated with incarceration equal \$65 billion in this country. H.R. 3846's focus on prevention and intervention will address some of the root causes of youth violence and thus help decrease the amount of money federal and state

governments spend on incarceration. Specifically, this bill directs resources towards communities across the country that face an increased risk of crime and gang activity and enables those communities to address the unmet needs of susceptible youths.

Under the bill, communities facing the greatest youth gang, delinquency and crime challenges will work at the local level thru a local council called a Promise Coordinating Council ("PCC"). The council will include representatives from law enforcement, community and faith-based organizations, schools, health, social services, and mental health providers. H.R. 3846 calls for the PCC's to develop comprehensive local plans to support young people and their families, while making their communities safer, reducing rates of victimization, and helping at-risk youth lead law-abiding and healthy lives, free of gangs, delinquency and violence.

Additionally, the legislation provides for thorough evaluation, including analyses of the cost-savings to society yielded by investing in prevention and intervention rather than in far more costly, after-the-fact prosecution and incarceration. According to the most recent Department of Justice (DOJ) statistics, there are currently 2.2 million people in federal and state jails and prisons across the United States, more than any other country in the world. Disproportionately, offenders who are incarcerated in America are from low-income and minority communities. The Youth PROMISE Act's savings from investments in prevention and intervention programs will be reinvested in additional promising, evidence-based programs in an effort to reduce the alarmingly large prison population in this country.

Finally, the bill takes important steps towards breaking the vicious "school-to-prison pipeline," wherein children, overwhelmingly children of color, in elementary, middle and high schools are pushed out of the classroom and into the juvenile and eventually adult criminal justice systems. With its focus on intervention and prevention, this legislation recognizes the importance of keeping young people out of the criminal justice system and in school in order to lead productive lives.

The ACLU is pleased that the House Judiciary Subcommittee on Crime, under the leadership of Chairman Scott, intends to highlight effective strategies that will end the scourge of youth violence. We believe that the Youth PROMISE Act provides some of the answers to this problem, and is thus a key piece of legislation that will yield important benefits to vulnerable communities and to our nation. We look forward to working with the Subcommittee on Crime to build support for H.R. 3846. If you have questions about the ACLU's position on this issue, please feel free to contact Vania Leveille, Legislative Counsel, at 202-715-0806 or vleveille@aclu.org.

Sincerely,



Michael W. Macleod-Ball
Chief Legislative/Policy Counsel



Vania Leveille
Legislative Counsel

cc: House Judiciary Committee